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ABSTRACT

The purpose of this conference was to generate information and an exchange of ideas among educational researchers, to discuss, through selected studies, the interface between desegregation and educational concerns of the Hispanic community, and to identify areas of research which require urgent attention and suggest the potential role of the research community in examining these priorities. The conference sessions addressed the following questions and issues: (1) What are the research issues, needs, and capabilities that need to be identified and clarified? (2) What is the Department of Health, Education, and Welfare's policy related to desegregation and education concerns of the Hispanic community, and what sources are available for programs and research in this area? (3) What are the legal/educational implications of desegregation of Hispanics, and what research needs does this imply? (4) What are the perceived barriers and particular problems and needs of students whose background is Hispanic in the desegregation process? (5) What are the pros and cons of desegregation/integration for Hispanics, and what research needs are implied? (6) What could be the potential role of NIE and other federal educational research and development agencies in sponsoring research in the area of desegregation and education concerning the Hispanic community? and (7) Case studies of selected areas. (Author/AM)

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Desegregation and Education Concerns of the Hispanic Community

Conference Report
June 26-28, 1977

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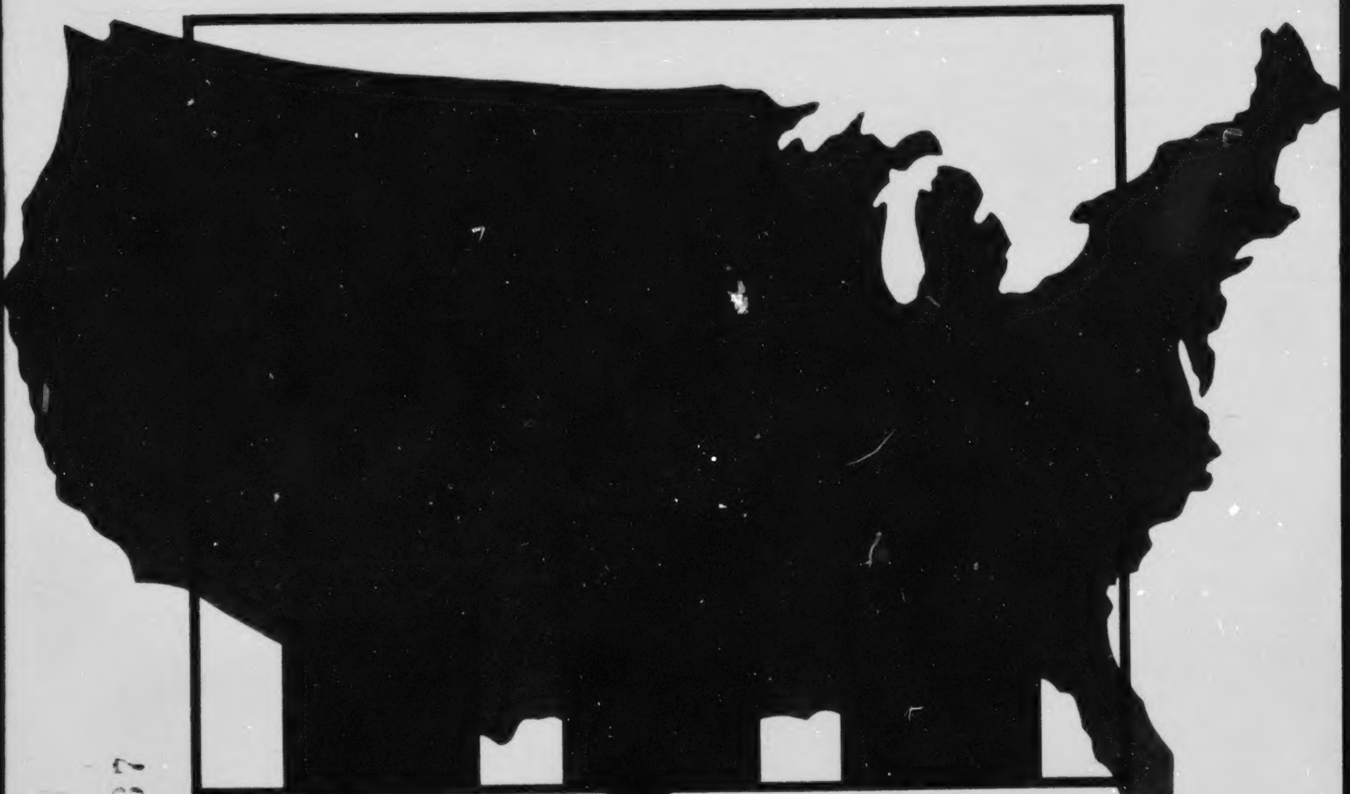

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Washington, D.C. 20208

DESEGREGATION AND EDUCATION CONCERNS OF THE HISPANIC COMMUNITY

CONFERENCE REPORT
June 26-28, 1977
Washington, D.C.

OCTOBER, 1977

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This conference was sponsored by NIE. The contents are those of the participants. The views expressed do not represent those of NIE or the Department of Health, Education, and Welfare.

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Dr. Ronald Henderson
Mr. José A. Vázquez
Dr. Ricardo Fernandez

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PREFACE

The National Institute of Education (NIE), Educational Equity Group, Desegregation Studies Staff, had planned in its Fiscal Year 1977 program to hold three conferences. The first one on issues of metropolitan desegregation; the second one on issues that impact upon the Black community; and the last one on issues of desegregation in relation to the Hispanic population in the continental United States.

Initial discussion was held with the Multi-Cultural/Bilingual Division to ascertain the feasibility of a collaborative effort for the third program area. The Multi-Cultural/Bilingual Division concurred with the Desegregation Studies Staff that issues and potential problems in the relation between desegregation and education concerns of the Hispanic community needed to be identified, clarified and addressed. A collaborative effort by the two program groups was undertaken.

The Desegregation Studies Staff views the sponsoring of conferences as a viable means of communicating with our constitutencies, which includes, researchers and scholars, educational practitioners, community and civic groups, and educational policymakers; and identifying future research needs.

Overriding concerns for both program units stem from the idea of equality of educational opportunity and delivery of educational services and programs to students. Of equal concern were implications that rules and regulations may impose on program implementation that could interfere with these two concerns for students involved.

The two program units concluded that the best procedure would be the identification of Hispanic spokespersons from across the nation to serve as a planning committee. Each person was contacted and asked if they would be willing to come to Washington, D.C. to discuss desegregation in relation to the Hispanic community. Everyone agreed. They are:

Dr. Evelina Antonetty
United Bronx Parents
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Dr. José Cárdenas
Intercultural Development
Research Association
San Antonio, Texas

Dr. Roberto Cruz
Bay Area Bilingual Education
League
Berkeley, California

Dr. Ricardo Fernández*
University of Wisconsin
Milwaukee, Wisconsin

Dr. Sylvia Gonzales
California State University, at San José
San José, California

Ms. Egla Rangel
Metiche Association
Los Angeles, California

Ms. Silvia Unzueta
Affirmative Action
Dade County
Miami, Florida

*Ricardo Fernández was selected as Chairperson by the Committee.

Two planning sessions were held in March, 1977 in Washington, D.C. The Committee advised NIE that it would be a feasible and worthwhile endeavor to hold a national conference on *Desegregation and Education Concerns of the Hispanic Community*. The Committee identified the issues to be addressed, the presenters and discussants for each session, and suggested invitees, and the conference format. Their format was specifically designed to bring together a broad range of people and to allow ample time for communication among all participants—presenters, discussants and attendees—within the conference structure.

The purpose of this conference as defined by the Committee was to:

- generate information and an exchange of ideas among educational researchers, lawyers, policymakers and the community at large;

- discuss, through selected case studies, the interface between desegregation and education concerns of the Hispanic community;
- identify areas of research which require urgent attention and suggest the potential role of the research community in examining these priorities.

The Committee gave continual advice to NIE. They initially contacted most of the presenters and discussants, and became the national channel of communication through which the conference was announced. Without their help and support this conference would not have occurred.

This conference report is comprised of the following: copies of the presenters' papers (which were edited by the authors); edited transcriptions of the discussants' remarks; and a synthesis of floor discussion and issues.

Miranda Braun
Education Policy Fellow

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OPENING REMARKS

*DR. DELANEY:** It is my function to present to you the current Chief Administrative Officer of the National Institute of Education, who will extend the official welcome of the Agency to all of you.

MR. CHRISTENSEN: The National Institute of Education was established by Congress in 1972. Part of its programs in the early days of the Institute came from the U.S. Office of Education.

The program established by Congress has four mandates. One, to provide to every person an equal opportunity to receive an education of high quality, regardless of race, creed, religion, color, sex, national origin, or social class. Two, to help solve or alleviate the problems of and promote the reform and renewal of American education. Three, to advance the practice of education as an art, science, and profession. Four, to build an effective educational research and development system.

Many of you who have followed the National Institute of Education in the past five years probably understand and realize as much as I do that the Institute has been on very rocky and shaky grounds since its birth. Much of this has been attributed to a lot of feeling about Research and Development (R&D) in general and educational R&D specifically.

The political atmosphere is of such a nature that at these times there is some question about the utility and usefulness of educational R&D. This has caused, to a large extent, the problems that the Institute has had with the Congress.

The National Institute of Education is part of the "E" within the Department of Health, Education, and Welfare (HEW). We are an independent agency reporting to Secretary Califano through the Assistant Secretary for Education, Mary Berry. Let me give you a few statistics which might be helpful to put R&D and NIE in perspective.

Of the nation's total annual expenditures for education, the United States spends approximately $120 billion. About one-half of 1 percent or $600 million is spent on educational R&D. I might point out at this time that when compared to the amounts allotted to health and agriculture, it appears rather disproportionate. I believe about 4 percent of the total national expenditures for agriculture goes to agricultural R&D, and about 6 percent of the total annual amount spent on health is for health research and development.

In education, once again, it is one-half of 1 percent of the $120 billion annual expenditure.

Of the $600 million, NIE receives about 14 percent of the Federal monies allotted. The Institute's Fiscal Year (FY) 1977 budget is $70 million, and we are almost certain that the Institute will get about $90 million in FY 1978.

In FY 1973, our budget was $110 million, and then it was reduced to $70 million, remaining there for the following three years. Should we receive an appropriation of $90 million in FY 1978, this would be an indication to us that our program is gaining support on the Hill, not as much as we would want it to, but it is a start.

Many of the programs that the Institute has wanted to undertake in the past five years, involving all kinds of communities, including the

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*Dr. Harold Delaney was the Associate Director of Educational Equity Group, NIE, at the time of the Conference.

Hispanic community, have not been undertaken because our budget has not been at the level that we have requested. We have requested as much as $162 million in one fiscal year, ending up with $70 million. That shatters a lot of people's dreams and hopes and ambitions, including our own.

So, keep these things in mind as you think about the Institute during these next few days and in the future.

The Institute carries out its mission, in other words, spends its money for research to be performed, by awarding contracts and grants to private individuals, universities, private profit and non-profit organizations, and state and local governments. It is interesting to point out that the law that created the National Institute of Education also said that 90 percent of the funds appropriated must be spent or must go out through contracts and grants, meaning that we cannot use that for in-house research.

The Congress wanted a national effort. They wanted lots of participants in the educational research and development program. These actors compete for the Agency's funds by responding to requests for proposals, grant announcements, or by sending unsolicited proposals. NIE's basic emphasis has changed since its early days of a functional orientation to the recent problem-solving orientation. I believe that this movement to a problem-solving orientation has been a major step in getting the Congress to increase our appropriations.

The Institute is comprised of six program groups, each of which addresses a major problem in American education. Let me go through them briefly.

First, is Dissemination and Resources, which is to improve dissemination and application of results of educational research and development, thereby attempting to build an effective R&D system. Second, Educational Equity, is involved with improving schools' ability to provide equal educational opportunity for populations whose opportunities have been limited because of their racial, ethnic, or language backgrounds, sex or socio-economic status.

Third, Education and Work, is involved with improving the ability of the educational system to prepare youths and adults for entering and progressing in careers. Fourth, School Capacity for Problem-Solving, is involved with improving the capability of schools and school systems to diagnose their own problems and design solutions.

Fifth and perhaps our largest, from a monetary point of view, is Basic Skills, which is involved with improving students' performance in such essential skills as reading and mathematics. Sixth, Finance and Productivity, is involved with improving the ability of educational institutions to provide high quality education under conditions of declining enrollment, rising costs, and increased competition for funds.

The Institute is advised and guided on national policy issues by the National Council of Educational Research (NCER) This Council, created by legislation, is made up of a cross-section of leaders in the educational field appointed by the President.

This Conference on Desegregation and Education Concerns of the Hispanic Community is being jointly sponsored by the Educational Equity Group's Multi-Cultural/Bilingual Division and Desegregation Studies Staff.

I would like to introduce Dr. Ronald Henderson, Acting Chief of the Desegregation Studies Staff, followed by José A. Vázquez, Chief of the Multi-Cultural/Bilingual Division, and then Dr. Harold Delaney, Associate Director of the Educational Equity Group.

Each of them will speak more specifically about the roles of their divisions and the relationship of NIE's commitment to equal educational opportunity as related to your discussions over the next few days.

DR. DELANEY: As Associate Director of the Educational Equity Group, I would like to describe just a little bit about what we conceive to be the concerns of educational equity.

When I joined the National Institute of Education last summer, one of the comments that I made following the formal swearing in ceremonies was something to the effect that I viewed education as a very gentle art. You will recall that John indicated that the law which created the National Institute of Education gave the NIE the responsibility of enhancing education as an art, as a science, and as a profession.

I would like to dwell on the question of the art, because I think it is very much related to what you are about here in this conference.

Education is a gentle art because, as we confront our young people on a daily basis in our classrooms, there are so many factors which impose on the quality of that educational experience and the beneficial outcomes which may accrue to the youngsters. They range all the way from the conflict of personality between student and teacher, to the entrenched malpractices of education that are associated with a variety of activities at state level, local level, and indeed historically at the legal level.

We who are assembled here come from primarily two groups having experienced malpractice of education. There are differences in our cultural heritages, differences in some of our experiences. We find that although we have the same goals, we sometimes view the pathway to those goals a little bit differently.

It would therefore be tragic if we did not look together at those common goals and how the pathways to those particular goals may be enhanced by a more effective understanding. This, too, is a part of the art of education, for within the climate which is generated by the understanding among people generally, we will find to a large degree some of the source of nurture for the educational system.

I find it a moment of real pride that I have been associated with a group of individuals who have sensed this need and who have taken significant steps to work towards the end which I have attempted to describe. I welcome you, and I look forward to seeing you from time to time during the Conference. But I must apologize at the outset. Since these are my final days with NIE, my time will be limited, but I shall expect to attend as frequently as I can. Good luck to you in the Conference.

DR. HENDERSON: Let me take a minute and recognize at this juncture the gargantuan effort of the National Committee who planned this conference. The Desegregation Studies Staff is indeed grateful to those individuals. José will speak a little bit more about them in a few minutes.

A special thanks is also in order for the logistical efforts of Dr. Miranda Braun. We can appreciate her difficulty in meshing input from seven members of the planning committee and two federal research program offices.

For many reasons, the Desegregation Studies Staff believes that this is an opportune time to examine the interface between desegregation and education concerns of the Hispanic community. The following are a few of the reasons behind this conference.

First, the racial trends. HEW's school enrollment statistics indicate that Hispanic children are confronting high levels of segregation, and that segregation is increasing. Indeed, in most urban areas of the west and southwest, and in certain eastern cities, Spanish surnamed children are in many cases more likely to attend predominantly minority schools than are Black children.

Second, if the overriding mandate is desegregation, will obstacles in that process militate against educational programs that are productive and meet the needs of Hispanic children? In short, can we cultivate a continual mutuality between desegregation and educational concerns of the Hispanic community?

Third, and, I think, most important, given the possible shift in mood toward desegregation as evidenced by recent Supreme Court decisions, Congressional actions, and Congressional deliberations, it is increasingly difficult to determine what the future holds.

It seems particularly important for desegregation proponents and Hispanics concerned about education to unite. The underlying concern for equal education opportunity unites us. I base this proposition on the fact that the courts' view of their broad remedial powers in eliminating unlawful segregation has been a convenient and successful vehicle for ordering bilingual programs.

The time seems particularly opportune to assess the state of the art in this area. The upshot of this effort is to assure the minimum exclusion and maximum inclusion between the dual thrust of desegregation and education concerns of the Hispanic community, mainly in Title VII programs. To do otherwise is to ignore history.

Finally, we have the new Administration. This means there are new major policy makers in all phases of government: research agencies, program support offices, compliance enforcement and so on. We hope that the products from this conference will be of use in their policy-making.

MR. VÁZQUEZ: Buenas noches. El instituto les da la bienvenida a esta conferencia que esperamos que sea de gran valor para todos.

I will switch now to the dominant language. That was too brief. I hope in a few years it could be longer.

As Ron [Henderson] mentioned, if it had not been for Miranda [Braun], we would not be here today, and I thank her.

I would like to introduce to you those members of the committee that since March have been working with us at the National Institute of Education. I see someone who is very well known, not only in California, but in the midwest and in New York. She is a very quiet, shy individual by the name of Egla Rangel from the Metiche Association in Southern California.

Also from the committee is Ricardo Fernández, who will be introduced later, giving you more specifics in terms of the background and plans that we have outlined for these two and a half days to follow. Silvia Unzueta from Dade County, Miami, Florida is the Deputy Director of the Affirmative Action Program for metropolitan Dade County.

Dr. Bob Cruz is Director of the BABEL Center in Berkeley, California. Dr. Sylvia Gonzales, from California State University at San Jose is the Executive Director of the National Women's Study Association. Milton Graciano is an Aspira Rockefeller Fellow. Evelina Antonetty is Executive Director of the United Bronx Parents in the South Bronx, New York. Tomorrow you will meet José Cárdenas from the Intercultural Development Research Association (IDRA) in San Antonio, Texas. We will be around to try to either clarify or answer some of the questions that you may have.

Ricardo Fernández was the person chosen by the committee to chair the committee's efforts in working with the National Institute of Education. I have never met a person who works as diligently as Ricardo does, so I am sure that the University of Wisconsin at Milwaukee is more than proud to count Ricardo Fernández as a member of its professional staff.

DR. FERNÁNDEZ: My task at the moment is to give you a very brief overview of the purpose of the conference. Before that, a little bit of background is perhaps necessary and advisable.

One could ask, and I think some of the members who preceded me here on this table have mentioned, why hold a conference on the subject of desegregation and the education concerns of the Hispanic community, which is sort of a euphemism for bilingual/bicultural education, but nevertheless, that is the way we operate. I think that in order to answer that question a bit of background is necessary.

I think we are dealing basically with two potentially divergent, and yet at the same time, similar thrusts in educational policy, both of which aim at achieving equal educational opportunity: desegregation and over the past ten years, bilingual or bicultural education, or what has become known as bilingual/bicultural education.

I think we have to recognize that insofar as it affects the Hispanic community, it has been over the past ten years that bilingual/bicultural education has come of age. That is due in part to the fact that there has been a significant growth in the Hispanic population of this country over the past ten or fifteen years.

We have a very large and growing population. Estimates are extremely difficult to obtain. We have a very young population. The median age for Chicanos and Puerto Ricans is around 20 or perhaps a shade under that. So, we have a lot of people, a lot of children in schools. Of course, some of that growth is due to migration from Mexico, Puerto Rico, Cuba, Central America, South America, migration which has come from the southwest of the United States, from people who have been there for generations, into areas of the nation that were not inhabited in such large numbers previous to this time.

The movement to desegregate schools has gone from the southern part of the United States, where it was exclusively in the White-Black context, to northern and western cities where an additional element entered into the picture. Language is another factor in dealing with linguistically and culturally different groups.

I am referring particularly to Hispanics. There are other groups involved, such as Native Americans and Asian Americans.

It was not until the 1970's that cases such as

U.S. v. *Texas, Ross* v. *Echols,* and others, that the courts began to address desegregation issues where a third group is involved.

Soon after that we had a case in New Mexico where the courts again looked at Hispanics as a separate ethnic/identifiable group that is subject to similar discriminations that Blacks have long been subject to in the educational system of the United States. Soon after that the *Lau* decision, based on some prior work that had been done reaffirming the May 25th Memorandum, and the aftermath of *Lau,* a number of pieces of legislation both at the state level and national level resulted.

I am referring specifically to some of the bilingual education acts that have been passed since *Lau* in a number of states, such as the state I come from, Wisconsin, and at the Federal level, the Equal Educational Opportunity Act of 1974.

We are all familiar with the *Lau* remedies, the famous or infamous remedies, depending on which way you want to look at them, issued in 1975 by the Office of Civil Rights. We also have to look at the legal precedents. Perhaps the most important one as far as this conference is concerned is *Keyes* v. *School District Number One,* in Denver, a case in which a number of very important precedents were established. First, that bilingual education must yield to the desegregation mandate, and second, that in such cases Chicanos, as an identifiable group, were to be treated similarly to Blacks, because they were subject to the same kinds of discrimination.

In the minds of some people, that meant that if Chicanos were found to be subject to that type of discrimination in Denver, then this could be generalized for Hispanics throughout the country. However, that is not the case. In some cities, courts saw fit to extend to other Hispanic groups the same protection as the court did in the *Keyes* case, but we do have contradictions. For example, in the city of Milwaukee a recent desegregation order was framed strictly in terms of Black and white, or Black and non-Black. No reference at all is made to the Hispanic population, which is primarily a combination of Chicanos and Puerto Ricans. Ironically, in the same state, there is a piece of legislation that permits school districts that allow interdistrict transfers of students to receive reimbursement and financial incentives from the state, provided that the people who transfer are Hispanics, Blacks, Native Americans, or Asian Americans.

On the one hand, we have school systems collecting money from the state for transferring students to other districts and accepting transfers to the city of Milwaukee, and on the other hand, in planning for desegregation, Hispanics are consistently included in the broader mass of people known as non-Black, or white, depending on how you want to define that.

That is not exclusively a Milwaukee situation. The same type of problem is occurring in Cleveland and in a number of other cities, whether the desegregation mandate be from a court or whether it is following guidelines from a state or some other body.

The segregation trends that Ron Henderson mentioned came out very clearly in a recent study covering 1970 to 1974.* The sample which included up to about 74 percent of all Hispanic students showed that there is a slightly higher proportion of Hispanic than Black children in predominantly minority schools, and that segregation seems to be increasing. The trends are very clear.

Desegregation is the law of the land. This is a fact we have to live with. There is another fact which we are all very well aware of, that bilingual education or bilingual/bicultural education is often sought by parents of a community group as a means of providing equal educational opportunity for Hispanic students as well as other students.

A question then arises in the potential conflict which may emerge or is perceived to emerge between these two educational thrusts: What do we need to know in order to answer the questions which may arise and perhaps avoid some of the problems, that may not be problems after all, if we focus on them properly and clearly?

I should like to add that in my view, bilingual education and desegregation are not in any way inherently in conflict. I think one of the lessons that may be learned from *Keyes* is that bilingual education may not be the total remedy to the exclusion of the desegregation mandate, but it most certainly can be part of the remedy, and an integral and essential part of the remedy at that.

**Trends in Black School Segregation, 1970-1974,* Vol. I; and *Trends in Hispanic Segregation, 1970-1974,* Vol. 2, Center for National Policy Review, Catholic University Law School, January, 1977.

The purpose of the Conference is to promote an open dialogue based on points which are raised by the presenters and the discussants on education concerns of the Hispanic community, particularly but not exclusively as they relate to desegregation and integration.

As participants in this Conference, we wanted to include educators at all levels of education, people from agencies concerned with education under the Department of HEW, members of the Congress and their staff [and educational researchers].

We were also very interested in bringing parents and community persons, administrators, lawyers, and others together for an open dialogue on a number of points that are going to be brought up.

Unlike other conferences we don't view the presenters as simply making a statement and then going off somewhere, but rather as active participants in the discussion that follows. Many of the points that are going to be raised are not going to be raised by the presenters themselves, they are going to be raised by the discussants, and hopefully by the audience, in response or in reaction to some of those points.

I think that the object is to air pertinent issues. We want to hear the pros and the cons in an atmosphere of debate and intellectual honesty. This is perhaps more my bias then the rest of the committee's. I do not see this as a gathering of true believers who are unwilling to listen and genuinely evaluate critiques that may be made which are pertinent and factual.

I find when I go to conferences that it is sometimes like going to a church, that everybody sort of believes in the same thing, and we are there to worship. Well, I don't think we are here to worship. I think we are here to discuss and to confront some very serious issues that have some very important implications, and that we are grown up enough to talk about them honestly, and if we have to change our minds about certain things, we do so, based on the evidence.

I am not trying to propose that we engage in intellectual exercises for the sake of exercise. I think there are some very significant points that need to be made and need to be carried from here to communities throughout the country on the general subject of desegregation and education concerns of the Hispanic community. We encourage everyone to participate.

We also know that in meetings of this nature there is a great deal of informal discussion that takes place outside of the room. We know that some of that is going to take place, and we encourage it, because oftentimes a good many contacts and a lot of information is exchanged.

We would like to see established an informal network of information sharing and cooperation on this subject. We are trying to fight against the isolation and the parochialism that often is found because we are isolated from each other in our particular regions, and we tend to think that our problem is the only problem that is unique and nobody else has a problem just like we have.

One of the things we found in talking to people from Los Angeles, San Francisco, Miami, and other places, while planning the conference is that there is an awful lot in common, and that it is only when we get together informally that we find out exactly what is happening.

We would like this information to be shared with other communities. Dissemination will take place in a more formal way when the conference report is published by the NIE later this year, so that others can learn from this experience.

To summarize, we anticipate that policymakers need some directions as to how to proceed on these subjects. We think that government agency personnel need assistance in clarifying some issues pertaining to a number of areas.

We think that community groups, advisory groups, parent groups need information on how to proceed in their struggle for equal educational opportunity at the local level. We think that attorneys need some of the information that is going to be generated, which will assist them in their arguments before courts on issues which are essentially pedagogical in nature and not strictly legal.

Following my presentation, Josué González is going to provide you with his perspectives on some of the key issues on which research and discussion need to be generated. I have in turn a number of issues which differ from and in some cases overlap some of his. I am going to launch very quickly into these, and then turn it over to Josué.

Some of the issues that I think need clarification are as follows. One, the issue of Hispanics as an identifiable group. We have some legal precedents and we have some contradictions in those precedents. We need some assistance from attorneys and from others who are knowledgeable about this area, as to how we can confront the issue of Hispanics as an identifiable group for the purpose of planning in a desegregated or desegregating school system.

Two, the issue of racial student school assignment ratios is extremely important and has significant implications.

Three, the issue of models of student school assignments which work in the context of desegregation but at the same time provide effective, viable programs in bilingual/bicultural education need to be looked at. This also applies to staff desegregation. We need to look at models of how to effectively deploy staff to comply with the mandate to desegregate staff, but at the same time not do harm to existing programs or programs which will have to be established. One of the effects of desegregation decisions is to bring about the establishment of bilingual education programs or some variant of that.

Four, the issue of costs. The issue of financing programs to meet the needs of children of limited English language skills in a context of desegregation is indeed an important one, whether we are talking about start-up costs or expansion costs. How are those going to be integrated, and what are the responsibilities that districts have over and above the obligations to desegregate, to provide these kinds of programs?

Five, the issue of perceptions on desegregation and equal education opportunity held by Hispanics and others. I think we have some very different conceptions of what bilingual education is and what equal education opportunity is. Native Americans have certain notions of what that means for them. I think Blacks have certain notions.

Chileans, for example, to pick a group with whom I am somewhat familiar in Detroit, have certain very clear notions, and to be sure, I am not naive enough to think that there are not some idealogical dimensions underlying the purposes of bilingual education, but these are all the attitudes we need to know and share when we discuss bilingual education.

Bilingual education means 100 things to 100 different people, and oftentimes when we communicate we have a certain notion what we want, what I want, at least, and I find, checking other people, that their perceptions are not necessarily the same ones that I have, and we need to explore that.

Six, the issue of regulations has to be looked at very carefully. What implications do these regulations have for providing services to students of limited English language skills in the context of a desegregating school system?

How do we include non-minority students as well as other minorities in bilingual education programs if, indeed, the net effect of a desegregation order is often to place within the same classroom students from a variety of groups? We don't seem to have a very clear idea, at least I haven't found any clear idea, traveling throughout a number of cities, as to how that is done.

What are the alternatives? What are the models? I am talking about groupings within schools as well as groupings within specific classrooms. There has been some study about that, but not very much.

Seven, the issue of entry-exit criteria for students who are receiving services in bilingual education programs has been avoided. What are these criteria going to be based on, and what are the implications? We don't seem to have an idea of how to deal with that, and I don't see very many people very anxious to get into that. However, my impression is that unless we do some thinking and some planning, other people are going to do planning for us, and I'd rather deal with the issue directly than sort of look the other way and hope nobody asks me.

There are many other issues. I am only giving you a sample of the ones that I consider to be important, that I personally would like on the agenda. These will all have significant impact on communities, on existing efforts, on policies. There are a number of recent developments in bilingual education, a number of studies that have brought about or generated some debate, oftentimes a lot more heat than light, but we try to come up with some light. I think these are all genuine questions.

I also realize that there are some significant ideological underpinnings behind some of the positions that have been put forth by a number of critics of programs in bilingual education. A number of the major newspapers have come out with editorials.

I think we [Hispanics] need to take a stand and make a statement, and we need to deal with that honestly and openly.

SESSION I:

Topic: What are the research issues, needs, and capabilities that need to be identified and clarified?

Discussion Paper: "Selected Issues and Concerns of Hispanic Education Within the Context of
Brown and *Lau:*
Según se ven desde acá . . ."

Presenters: Dr. Josué González

Moderator: Dr. Sylvia Gonzales

Discussants: Ms. Carmen Dinos
Dr. María Cristina Herrera
Dr. Ramiro Reyes

Introduction of Dr. Josué González by Dr. Sylvia Gonzales

DR. S. GONZALES: I want to introduce Josué González. It gives me real pleasure that I am given this opportunity. Josué is someone that I truly admire and respect. So, it gives me great pleasure to introduce to you Dr. Josué González.

Josué Gonzãlez

> En este mundo traidor
> nada es verdad ni mentira,
> Todo es seqún el color
> del cristal con que se mira.
>
> G.A. Becquer

This conference is, in a very real sense, a confrontation; a confrontation with the fact that equality of educational opportunity is not coming as quickly for Hispanics as it is for other groups. Some of the concerns which relate to this subject are within the context of desegregation, but many of them are not. There are substantial statistical indicators which highlight the reality which has brought us to this meeting.

The Education Commission of the States (1977) recently completed a massive study which concluded that students of Hispanic origin are "consistently below their contemporaries in the rest of the nation in reading, science, mathematics, social studies and career development:" in other words, *in all academic studies* (N.A.E.P., 1977).

Consider the following statistics which emerged from this study:

PROPORTIONS: Students at Certain Grade Levels By Age and Racial/Ethnic Group

	All	White	Black	Hispanic
Age 9				
Grade 3	22.0	21.6	22.5	28.7
Grade 4	75.3	76.1	72.7	68.6
Others	2.7	2.3	4.8	2.7
Age 13				
Grade 7	25.2	24.1	29.6	36.7
Grade 8	71.8	73.6	64.7	53.3
Others	3.0	2.3	5.7	10.0
Age 17				
Grade 10	13.6	11.6	22.3	35.6
Grade 11	73.2	75.7	61.1	53.9
Grade 12	11.7	11.7	12.1	5.9
Others	1.5	1.0	4.5	4.6

Source: (N.A.E.P., 1977)

This chart shows that of the 16,000 Hispanic students studied, a great proportion of them were "in grades which are lower than generally appropriate for their age levels."

At age 9, most U.S. students (75.3%) are in the fourth grade, but only 68.6% of the Hispanics are there. Nearly 29% are still in the third grade.

At age 13, the majority of students (71.8%) are in the eighth grade. But only 53.3% of Hispanics are there. More than a third of them (36.7%) are still in the seventh grade.

And at age 17, the picture is even more dismal: 73.2% of all students are in the 11th grade but only 53.9% of Hispanics are there. In contrast, 76% of all whites and 61% of Blacks are in their junior year. Put another way "three times the proportion of Hispanics (and twice the proportion of Blacks) are still in the 10th grade as compared to whites."

When we figure in the degree to which Hispanics are under-achieving even at lower grade levels, the situation becomes truly unconscionable. Let me repeat: *Hispanic students are in lower grade levels than they should be and they are not performing up to standards even at those levels.*

How does all of this relate to the desegregation-integration effort? In some ways they relate; in other ways they are more tangential. Some of these inequities simply remain as grim testimony to previous discriminatory practices and the cumulative effects of past neglect.

Most of us would agree that there are no inherent contradictions in the two movements: educating Black and white children in a "unitary system" and providing equality of access, services and opportunity to Hispanic and other language-minority children. The fact remains, however, that while desegregation may not have *created* such problems as concern us here today, it has certainly *uncovered* some of them.

It is possible, of course, that we have simply assumed too much: that what we do to serve Black children will also benefit Hispanic youngsters. Or, we may have simply allowed some very special areas to go unattended as we tried to weather the Black-white polarization which has existed in education in the last 25 years. It is also quite possible that we have not defined properly the differentiations that must be made in the corrective measures which are needed by different racial/ethnic groups.

Let us devote a few minutes to reviewing some possible explanations for this lack of conceptual synchronization, at least as I see them.

The first explanatory footnote to all of this may lie in the nature and operations of the judicial system of the U.S. It is a singularly monotonic and linear mechanism in its approach to problem-solving. If you ask a judge whether something is blue, he does not reply by saying, "No, it's green." His answer is more than likely going to be simply, "No, it's not blue." Period. (Unless of course it is in fact blue.) This analogy is overly simplistic, and it may well represent a very shallow view of jurisprudence. The point, however, for our purposes, is that in *Brown* the court did not address the educational inequities visited on Hispanic children; it only spoke to the willful separation of white and Black youngsters. It is unfortunate perhaps that the *Brown* case was brought in Topeka and not in a city where a more heterogeneous population existed. Had it occurred in San Antonio or San Diego, or the Bronx, the Court would have had to deal with the fact that the needs of Hispanics may be different to the needs of Black children. But the fact is that this did not occur.

It was not until the *Cisneros* case in 1970 that the courts recognized Chicanos as an "identifiable ethnic minority group" for purposes of public school desegregation. I believe that the 16-year span between *Brown* and *Cisneros* is very significant to our discussion. During that decade and one-half, school desegregation policy, both in the courts and in actual practice, evolved rapidly. Many important precedents were set in which Hispanic groups did not play a role, and in which our particular needs and concerns were not addressed. In summary, what we have is a 16-year gap which has had to be addressed, rather hurriedly, in the last seven years.

The next significant legal milestone for Hispanics did not occur until 20 years later in *Lau* v. *Nichols*. This is the decision which we are all hoping will move us once more towards converging the concerns for equal opportunity for Blacks, on the one hand, and language minorities, on the other.

But here again we are faced with the Blue-

Green dilemma. In *Lau* the High Court ruled that schools "must take affirmative steps to remedy the (putative) language deficiencies" of some of its clients. For purposes of our discussion we must examine the two major problems which face us in our attempts to work with *Lau* concepts. First, *Lau* did not specify the needed remedies; and there is some question as to whether it *should* have done that. If the U.S. Supreme Court does not specify what kind of education other kids should receive, I'm not sure that we should wish to be locked into a prescribed education for our own children. Perhaps we should insist on keeping our options open and be able to change our minds over time. After all, everyone else has that right. It is possible that as situations change, our aspirations for education may also change.

There is one other point about *Lau* which is extremely important. We are all hoping that the *Lau* decision will assist in improving educational opportunities for language-minority children. It is not prudent, however, to expect that the full range of educational responses necessary to effect full access, participation and equality will be brought about entirely as a result of this one court action. Thus, while it is important to explore fully the potential contributions of *Lau*, it is equally important to remember that more comprehensive educational reform is needed and that is unlikely to occur if schools limit their responses to the supposed "language deficiencies" of Hispanic children.

I am afraid that both the government and the schools will only provide minimal types of responses to *Lau*. And we all know how quickly the *minimum* becomes the *maximum* when school districts are asked to serve racial/ethnic groups. Responses which focus strictly on language are analogous to suggesting that the problems of Black children will disappear once they can sit next to white children in class. Obviously, we need to make other changes in our educational practices. One of our immediate goals would be to think about and make recommendations on the nature of those other reforms, and about the instrumentalities which we need to bring them about.

In departing from these assumptions I suggest that we must follow a logical progression of thought and conclusion-reaching. Let me use the suggestions made by James Banks (1975) in this regard. This colleague has suggested that a process for reaching conclusions such as we need here, must be based on a progression which begins by acquiring a broad base of *knowledge* which can be used in turn to make "reflective decisions." He suggests, and I agree, that the body of knowledge which we search out and bring forth must be "powerful and widely applicable" in order to serve with the greatest potency as bases for accurate hypotheses and predictions. "There are several categories of knowledge, and they vary in their predictive capacity and in their ability to help us to organize our observations and thus make sound judgments." (Banks, 1975)

According to Banks and others we must organize our research and thinking so that we can move with intellectual comfort and professional confidence through the following steps: first, we gather *facts*, subsequently we combine facts and observations into *concepts*. After that, we can move to put together *generalizations*. And finally, we can formulate theories, "the highest form of knowledge in terms of predicting human behavior." (Banks, 1975)

Much of our search for knowledge in education to date has been limited to searching out facts alone. Indeed, we have at times confused *facts* with *truth*. Facts are very low level bits of knowledge. They "are quite limited in their ability to explain and predict behavior." (Banks, 1975) Unfortunately, we have been forced into situations in the last few years where the proverbial forest of truth has been obscured by the trees which represent a few, of many possible, known facts.

What follows here are some opinions about needed knowledge which might move us along this continuum of facts to concepts, to generalizations which I feel we must search out expeditiously. My suggestions are by no means exhaustive or all-inclusive. Basically, they represent broad blocks of concerns whose shells must be cracked open to draw out discrete topics or concepts for study.

I have attempted to sketch very roughly some concerns which, in my opinion, are fundamental parts of an enormous jig-saw puzzle. I repeat that there is no guarantee that we have all of the other pieces. Hopefully our discussion can serve to check these observations by providing background information, ramifications, and further focusing. We need to add some updates from you as to the current state-of-the art in each of these areas.

I have seven main points:

1. **Baseline of English language skills.** As far as I know, no one can tell us at this point what the exact corpus of English language skills is that gives a child the ability to compete fairly in a classroom. How much vocabulary, syntax, morphology, phonology or suprasegmentals are requisite for effective school participation in English? I'm talking now about *native English speakers*, not Hispanics. I would like to know what the linguistic and reading baseline is against which we are asked to measure children with limited English skills. In other words, if we must determine *relative deficiencies* in English we must know what constitutes *normative proficiency* of the type that is not dysfunctional.

If we don't have this piece of knowledge, it seems almost ludicrous to be asking ourselves what the best tests are that we can use to measure language in the classroom. Are we asking how to measure without knowing exactly *what it is that we are measuring*? In the absence of these facts, how can we form valid and sound generalizations and theories, much less conduct programs in which these can be tested? And of course, how does all of this affect the desegregation process? Clearly, there are implications here for Black children too.

Another thing we must look at in terms of language, are the concepts of *dominance* and *proficiency*. I have some real doubts about the value of knowing dominance information vs. proficiency. I feel that for purposes of making instructional decisions, the latter is more useful than the former. In the "Lau Remedies" promulgated by OCR/DHEW an inverse priority is implied. This is particularly disturbing in category *C*, "equal facility." This category is supposed to identify children with equal proficiency in two languages. By definition however, it also includes children who have *equally limited* command of both languages. And if you read the "Lau Remedies" carefully, you will note that there is an escape clause through which school districts may avoid providing any substantive services to these children.

2. **Instructional benefits of integration.** A significant body of literature exists which examines the academic effects of desegregation on Black children. Some of these studies show conclusive gains while others demonstrate only marginal achievement over previous patterns. In the case of Hispanics, the literature is sparse and inconclusive. We do not know with certainty to what degree, in what areas and under what conditions Hispanic students perform differently in desegregated settings. We do know that in many parts of the country Hispanic children attending integrated schools do not acquire a body of English language skills sufficient for "effective participation" in the schools' programs. One question that arises is whether these children would acquire greater English skills by attending schools in ethnic isolation. The prevailing folk wisdom is that this would not be true since children learn much from each other. But the wisdom of our wisdom needs to be explored more systematically and scientifically. I suggest that peer learning rarely occurs entirely by serendipity or osmosis. We would want to know how peer learning can be best structured to give optimum results. We should be able to state quite explicitly and unequivocally when and how Hispanic children can contribute to the education of their Black and white classmates. Similarly, we need to know the reciprocal benefits: how do Black and white children contribute to the learning, social development and mental health of Chicano and Boricua children?

In order to determine this, we shall need to look more carefully at the implications of *integration* v. *desegregation*. We know there are differences between the two concepts and we shall hear more about them during the next two days.

3. **Learning styles and differential instruction.** Increasingly, we are hearing pieces of data which suggest that children from different ethnic/racial groups learn *differently;* that they have different cognitive styles, incentive-motivational styles and differences in the ways they relate to peers,

teachers and parents. Some researchers suggest that these differences extend even to having preferences for different academic subjects.

Well over a decade age Lesser (1965) found that:

> . . . members of different ethnic groups exhibit different patterns of intellectual ability, each group achieving better in some areas than in others. First grade children of four cultural groups, Chinese, Jewish, Black and Puerto Rican, were tested. The results showed that the intellectual pattern held across socio-economic groups within the same culture. For example, the findings showed that Jewish children performed best on tasks of verbal ability and had difficulty on tasks of space-conceptualization, while the reverse was true for Chinese-American children. These findings imply that intellectual patterns observed in these cultural groups are manifestations of culturally unique learning styles.

More recently some researchers (Ramírez and Castañeda, 1974), have been finding that some children succeed when their learning environments are *cooperative* while others do better in learning situations which are *competitive*. Clearly much more needs to be done along these lines. The implications for desegregation theory and practice are far-reaching, even awesome. If these preliminary findings prove to be consistent, it is possible to envision desegregating practices which could be more dysfunctional to learning than those they are supposed to correct.

4. **Multiple languages in society.** Much more work needs to be done around what I call the "Babelian Syndrome," that pervasive notion that the maintenance of linguistic diversity is leading the society down the path of dissonance, unintelligibility and societal divisiveness because some ethnic groups wish to maintain their respective linguistic heritage. Most of us can give fairly good reasons as to why we want particular types of bilingual instruction. We haven't documented why some individuals and groups are so adamantly opposed to this idea. We need to research them too. What is it about those people which sends them into fits of ethnocentric convulsions when bilingual maintenance programs are proposed? Why are they so vehemently against children celebrating their ethnicity and glorying in their traditions particularly when other people are telling us that the absence or ignorance of these roots is one of the main causes of the aimlessness and anomie which so many white people are experiencing? Why do such prophets of gloom always point to the negative instances of language-group discord rather than finding examples of linguistically diverse groups living in harmony and sharing their cultural treasures with one another? Why is it that the negativistic advocates are usually mono-lingual themselves while the rest of us who are bilingual seem to see such advantages? Why is it that they insist on telling us that what they themselves do not have is something that we too should surrender? Why is it that no one criticizes Jimmy, Amy and Rosalyn for studying Spanish intensively but they criticize Chicanos and Puertorriqueños for wanting to do the same thing?

Is there some hidden beauty, virtue or merit in being a monoglot? If there is, then we should find out immediately because we all need that wisdom desperately.

I hope you will agree that this type of research is needed. And I hope that in the course of conducting it we don't find out that monolinguals have been holding out on us . . . again.

5. **Assessing bilingual education.** A lot is being heard recently about studies which purport to evaluate the degree to which bilingual education, as it is currently practiced under the auspices of Title VII, ESEA, is (or is not) meeting the expectations of our friends here in Washington. The major expectation of course was that children in these programs would progress better in school when their own languages are used for instruction and that they would acquire competency in the English language at the same time. Some people are being very disappointed that not enough of this appears to be happening. I'm disappointed too but I'm not surprised. I'm in that old proverbial position of having to say, "I *told you* that transitional programs would not work, particularly when they're not very good." Be aware, however, that the case against bilingual education, even the transitional kind, is very weak. Let me share some background with you.

There was an interesting study conducted by William Kimball in Los Angeles (1968) which sought to determine the influences of parents and family on the academic achievement of Chicano youngsters. He studied some 1700 kids in junior high school This is what he discovered:

> . . . A substantially higher proportion of the Mexican American students born in Mexico achieve higher grades than those Mexican Americans born in California or the Southwest . . . Those pupils reporting the highest level of family use and knowledge of Spanish also receive the largest proportion of high grades . . .

That sounds very interesting to me. It's extremely interesting . . . to know that children born in Mexico and who speak a lot of Spanish do better in school than native-born Chicanos who are being pumped full of English! We obviously need to explore this in some detail. There is no question that we need good research on all areas of language and language skills. We also need, however, to know more about other things that are happening to Hispanic kids in their neighborhoods and in their schools that are causing them to do worse than their immigrant relatives. We need to recognize that children have lives outside as well as inside of school. In both of those lives they are touched by people, events and perceptions which affect them in many different ways. We have some good concepts and hypotheses to begin with. Kimball (1968) explained his findings this way:

> a process of ghettoization takes place, in which the longer a family line remains in the large segregated Mexican American communities of the Los Angeles area, the more inward grown they become and less inclined to acculturation and achievement in the Anglo culture.

In other words, are they being intellectually and spiritually colonialized? Another colleague working in Berkeley (López, 1972) found that "although most of the first-generation Chicanos in (a certain school's) bilingual class could make the crucial identification with their *raza* and *familias*, the majority of second generation children were painfully ashamed of their cultural heritage." Most educators would agree, I think, that when children are painfully ashamed of who they are, they are not going to do very well in school whether they be taught monolingually, bilingually or trilingually. But it's worse if the bilingual education that these children receive is predicated on having them change out of who they are and into something else.

It's worse when their bilingual education has poorly trained teachers, poorly prepared materials and classes conducted in poor facilities.

It's worse when use of their language is viewed as transitional: as an unfortunate necessity rather than an opportunity for academic and psychological growth.

It's worse when their language is used only when there are special funds from the government; else we go back to the "regular program."

It's worse when the home language is acceptable for twenty minutes out ot the day but not any other time.

It's worse when they realize that no one else is being taught Spanish or in Spanish and they see that their language is not valued in the broader society.

How can we evaluate bilingual education fairly under these conditions? They are not atypical, you know. I have personally seen bilingual teachers working on the landing of stairs in New York City and in hallways in Chicago.

We have a lot of information now which says that sloppy programs of transitional bilingual education do not work. But don't forget that this is true of many other programs which *are not* bilingual. We know that there are poor programs to teach reading and math. Colleges tell us that native English speakers who graduate from high school can use the English language with less and less skill every year. We need to research these problem areas too. And, if native English speakers are not taught very well in 12 years we must be very careful about how much bilingual education, standing alone, can be expected to accomplish, given environments which are often less than fully receptive or supportive.

We also need to look carefully at the societal and attitudinal context in which bilingual education, of whatever type, is being asked to work. We need to assess the impact of prejudiced personnel on our kids as much as the impact of a special program which touches them for 20 or 30 minutes a day. We need to find out how many teachers in bilingual programs are bilingual to the degree that they need to be. In the recent study by the American Institute of Research (AIR, 1977) for instance, only 50% of the teachers were, by their own admission, fully bilingual. Can such teachers conduct an effective bilingual program?

6. **Planned variation.** One of the concerns that I hear expressed repeatedly is that we don't have enough "models" from which to choose. I have to admit that I don't know what a "model" is, and I know a lot of other people who don't know either. I know that a lot of model airplanes don't fly and some model trains don't run. We need models that do both things. Out in the world of teachers and students and chalkboards and bells there are many experiments in teaching and learning that are operating effectively and efficiently. All we would need to do would be to send a television crew out there with lights and cameras and they can bring back rich treasures of models that actually work. It seems to me that we could do that easily enough. At the same time we would need to, systematically and as a matter of policy, encourage schools, teachers and researchers to experiment with variations of bilingual education and other programs which they feel in their bones are better suited to their particular communities. We can't expect to transport "models" from Muleshoe, Texas, to the Bronx or from Caribou, Maine, to Cucamonga, California, without tripping all over the differences in social, economic, cultural and other contexts.

In *Lau,* the High Court conjectured that there may be other ways—other than bilingual instruction or ESL—to help our children through the school experiences. We need to explore those alternatives. All of this is quite consistent with the original concept of Title VII, ESEA, which was to create exemplary demonstration projects. This assumed that programs would be different from one another. This initial intent was later truncated when HEW began to push for a uniform *transitional* interpretation of the law. Much of the potential for creative experimentation was thus lost. We need to revive this notion so that we can eventually have some basis for comparing programs of different types.

In short, we need to foster a climate and an attitude that there are no single answers that will work for everybody. We need to insist on finding out what works where, with whom and in what situations.

At the same time we should be constructing typologies of situations so that we can more accurately match what we find is good with places where those same things might work because the settings and situations are similar.

7. **Bilingual education and integrated education.** Three years ago the Center for Law and Education at Harvard asked José Cárdenas (1975) to confront the apparent paradox between bilingual education and integration. The question they asked José to address was simple: "How can a school district operate a classroom in which a portion of the children speak no English and must be taught in Spanish and a portion of the children speak no Spanish and must be taught in English?"

José wrote that the problem is not as paradoxical as it appears if, and only if, we are willing to admit that classroom instruction need not always occur in the traditional arrangement of teacher in front and 30 students lined up in rows in front of him/her.

Other people have faced this putative problem and solved it. The two key points seem to be that:

1. We must change our perceptions of the classroom teacher from an *instructor* role to that of *facilitator* of learning; and
2. Schools which perceive themselves to be ill-prepared for new learning arrangements must be willing to invest in the development of their technical and organizational capabilities. (Cárdenas, 1975)

I would like to suggest that in addition to Dr. Cárdenas' very excellent suggestions, we discuss at least two others. The first is the notion that in integration, everyone has to make adjustments to everyone else. Call it democracy if you will or call it a requirement of the situation. I prefer to think of it as an opportunity for multi-cultural interaction and growth. Let me read to you from the Memorandum Opinion issued by Judge William Justice in *U.S.* v. *Texas* in 1971:

> . . . Little could be more clear to the court than the need . . . for special educational consideration to be given to the Mexican American students in assisting them in adjusting to those parts of their new school environment which present a cultural and linguistic shock. Equally clear, however, is the need to avoid the creation of a stigma of inferiority akin to the "badges and indicia of slavery" spoken of (in another decision). To avoid this result the Anglo American students too

> must be called upon to adjust to their Mexican American classmates, and to learn to understand and appreciate their different linguistic and cultural attributes. The process by which all students participate in a joint learning and adjustment process will not only constitute an educational enrichment but, also, will bring the school system as a whole closer to the goal or tate-of-being referred to by the Supreme Court as a "unitary system." (Memorandum Opinion . . .)

That makes wondrous sense to me. Obviously the situations under which this could be done vary widely from case to case. But the principle is clear. If children are to co-exist amicably in society and if they must learn to accept and respect groups other than their own in the outside world, they could well start by doing it in the classroom.

One other suggestion. It seems to me that for the most part, Black educators are tending to specialize in desegregation issues while Latino (professionals) are specializing in *Lau*-related matters. This is very much to be expected. I believe, however, that we are at the point where we can afford to have some cross-fertilization. We need to develop mechanisms for closer collaboration in our respective tasks. But we also need to become more interdependent. We can accomplish this at least partially by developing a cadre of bilingual "experts" among Black educators and some expertise about desegregation among Latino professionals.

Above all, however, we must—Blacks and Latinos alike—continue to be vigilant so that the needs and aspirations of one group are not hurled in the path of the other as an impediment to change. My guess is that there are still people around who would prefer to see us deadlocked over spurious conflicts rather than see us united and promoting each other's causes. Let's try very hard to prevent that from happening.

I hope that we will have an opportunity to react to this later today or tomorrow.

Introduction of Discussants

DR. S. GONZALES: The first individual I want to introduce is Carmen Dinos. She is an Assistant Professor of Education at Brooklyn College, City University of New York. She is the chairperson of the New York State Consortium of Institutions of Higher Education on Bilingual Education. She was previously Director of Recruitment and Training Programs for Bilingual Personnel, New York City Board of Education, Director of the Education Division, Office of the Commonwealth of Puerto Rico, and is a member of many professional organizations.

Dr. María Cristina Herrera is an Associate Professor in Miami-Dade Community College, Department of Social Sciences. She was one of the founders and a former Director of the Institute for Cuban Studies, and is the founder of the Bilingual Institute of Florida. She is very active in working with community concerns and feminist activities.

Dr. Ramiro Reyes is the Assistant Superintendent of the Office of Support Services and Bilingual and Bicultural Education in the California State Department of Education. He attended San Jose State University, and he received his doctorate at Michigan State. He has taught elementary and secondary education as well as worked at the administrative level. His interests are in comprehensive educational planning and futurism. He has worked with cross-cultural models in various areas of bilingual education.

Edited Transcription of Discussants' Comments

MS. DINOS: When I saw the title of this conference, it really blew my mind. It took me back more than ten years in New York City. I must say my experience has been mostly in New York State, so that is what I will be referring to.

I remember at the time we were dealing with desegregation, and we were hoping for integration. If I remember correctly, the desegregation mandate is nothing new. I think it started way back in 1954, and all of a sudden, after ten years or more of not talking about desegregation, it has come up again, and I am very concerned. I believe that I must have been in every single committee dealing with desegregation in New York City. I remember and I still think those of us who are dealing with education in New York City now still listen to all the reasons why we cannot desegregate schools. The districts have been found in non-compliance, and they have given every possible reason why schools cannot be desegregated quickly.

I remember also in those days when we used to hear, "Puerto Ricans are an integrated group, so they have no problems," and when the groups in various classrooms were counted, they would say, "Look, we are integrated here." Yes, there would be white Puerto Ricans, or at least white-looking Puerto Ricans, and there would be others, so you would have a racially, in color, integrated school. The classroom would be integrated.

Then we would say, well, how about language? Sure enough, there would be a Puerto Rican kid in school who spoke English fairly well, and others who didn't know a word of it, so we helped to classify those classrooms as integrated, without knowing what was being done. I mean, the kids didn't know it. We knew it.

Then, around 1968, we were given something else to work with, because somehow or other we realized that desegregation wasn't coming. That something else was bilingual education, and in a sense it was, you know, "Let's make them happy. They will get busy with it and they will do something with it, or not, but they will leave us alone," and we did that, and we became very happy with it, even though we knew that there was a lot that had to be improved.

All of a sudden, in these past years, people are looking at us and saying, "Gee, they are too happy so there must be something good in this that we gave them." Now they are asking for a lot of the pie that we have baked. Somebody mentioned the union. We know now that everybody wants to be a bilingual teacher, and everybody who can say, "Buenos no-shoes" or something like that all of a sudden can and does teach in a bilingual education program.

This is why I am so worried all of a sudden about desegregation. I have fought far too long for desegregation. All of a sudden, in New York, to desegregate, we have to abolish bilingual programs. Yes, we have to do a lot of things to improve education, but the one thing that we should not allow to happen is to begin by eliminating bilingual education, and this is one of the things that we have to have as a top priority. Desegregation, yes. Better yet, integration, but not at the expense of bilingual education.

For every class that is studied and researched, there should be a control class studied and researched in the same school. Yes, we have many failures, but we are not the only ones who fail, and all of a sudden, again, all that comes out is our failures.

I go back to 1954, and one of the things that prompted all of the protest and the attention on the educational system was the fact that the system was not working. We have a long history of failure. Why is it all of a sudden the failure in bilingual education is so important to other people?

We have to look at this, and I don't know who is going to give us the money. I hope NIE does, because not very many other people are doing that. The money that is spent with Title VII funds may be well spent or not, but the monitoring and evaluation of those programs usually zero in on the bilingual staff. Let's take a look at the evaluations. Maybe we should have an evaluation of the evaluations, so that we can begin to see what it is that is being done. We take a group of children and we give them pre- and post-scores, and then they either do or they don't achieve. Most of the time they don't because we really don't know what we are testing. We are testing for something that is not happening in the classroom.

So, who bothers to take a look at the structure of that system? Who bothers to take a look at what is being done in not following the guidelines for Title VII?

I have done a few evaluations in New York City. I would say that especially now, when Title VII is not supposed to fund for teaching positions, more than half of the classrooms that I have visited are in violation of the Title VII guidelines. Principals manipulate the funds to deal with their needs and not necessarily the needs of the students.

Well, if this is so, it should be easy to find out. I walk into a school and I find it out right away, and I am one of a group of so called disadvantaged Puerto Ricans, so another group who are not disadvantaged should find it out right away, faster than I do. So, let's take a look at those things and say, why is it that money continues to be given for the manipulation of this thing? Is it the principal's needs or is it the children's needs? If it is not the children's needs, then the money should not be given again. Let's take a look at the position of coordinators and bilingual programs. Most coordinators are teachers assigned. Most coordinators don't have one bit of power to effect any change in a system such as that, so they work their soul off, and then when the program fails they have failed. Nobody bothers to take a look at how the *tostones* or the *tortillas* are handled in that district.

There are many things that were not mentioned here. I didn't hear the Aspira Consent Decree mentioned here. That is one of the things. The implementation of it is giving Aspira the worst headache they ever had. Nobody is talking about that. Nobody is talking about the manipulation of that implementation.

We talk about parents. We say parents don't want bilingual programs. When it comes to parents, I guess many of us are parents, but what is the process through which parents are informed about the availability and objectives of programs? Parents are manipulated. They are usually manipulated either by the principal or by the coordinators, but one way or another they are manipulated. We should begin to find out ways in which parents can become an integral part of decision-making process from Washington to Brownsville.

We are always told Puerto Rican parents are the first ones who do not like bilingual education. Is this so? If this is so, let's find out why? How much are they told, and who tells them?

The other thing that I wanted to react to is linguistic proficiency. We know that both Hispanics and Black Americans are termed as linguistically deficient. They cannot speak the language of the establishment, and we say all right, we have to provide for linguistic development for the Black and for the poor white and for the Hispanics. They are all termed deficient, and yet when we are talking about integration, what are they supposed to learn from one another. We put the Blacks who are classified deficient with the Hispanics who are classified deficient, and whoever else is classified deficient together, and then they are supposed to learn from each other? Then we will have to have universal remediation.

Let's take a look at that. Who is it that we integrate with?

DR. HERRERA: I think Cubans should be included among the Spanish minorities, because we are very much one. There is a myth going around the Cubans are the most "successful," economically and otherwise. Those of us that come from Dade County could give you hard data to the contrary. I am going to give you some estimates of drop-outs in Dade County, the fifth largest school district, this year.

Forty-one percent of those drop-outs would be Black; 39 percent would be Hispanic, and of the Hispanic, the majority there are Cubans, so where is our success? There are some areas that I would like to stress for future research to those here present.

If the Dade County figures are right, and if what Josué has said is also right, then obviously we are not doing the job of educating our youngsters that are of different language and ethnic backgrounds. Perhaps this is because in the bilingual education area the compensatory model is what prevails, the transitional bilingual thing, and that proves to be statistically a failure. I don't think authorities higher up in the NIE, or the Office of Education need any more data.

The compensatory model must be destroyed, must be done away with. The cultural maintenance model must be the one that we work at. We need more research on that, however, because as everybody here knows, we have, as far as research and data goes, very conflicting findings. We need to clarify some of those things. What do we actually mean by a cultural maintenance program? What areas must be strengthened?

For instance, we still struggle in Dade County with the problem of properly trained personnel, not only teachers but guidance counselors, psychologists, and people in the office. You don't deal with a kid only in the classroom and in the guidance office. You deal with the kid in every area, and we don't have properly trained personnel in all areas of bilingual education. Administrators need not be natives of the language. One of the most successful administrators I know of in the county is Dr. Lorraine Miller. She is an Anglo-European of Greek ancestry. She has one of the most successful and spoken about programs in the county, at Springfield Elementary, but that is not the best one in terms of expedience.

She is not a native speaker of Spanish, but she is sensitive, and she wants to make the program a success. She has worked with her staff and her community, and that is why she has such a successful program there.

Another thing that I would like to indicate is that perhaps we have failed in a more intelligent use of the mass media to sell our product to everybody. I don't see enough of that. I will suggest to everyone here that if we want to tell others to clean house, I think we should clean house first among ourselves, beginning with the Hispanics, and I don't see enough of that being done.

I know we Cubans are geographically located in the southeast, Chicanos in the southwest, Puerto Ricans in the northeast, etc. I have heard very little reference here to the southeast of the United States, where we Cubans are. I know one of the obstacles that the Cubans have to overcome as a group is the myth that we are not a minority. I am here to tell you that we are, much more so than either Cubans in Miami or other Hispanic minorities would want to admit.

Ultimately the question is a question of power, getting a greater slice of the pie, a slice of the pie of the nation as a whole. Hispanics versus other minorities and other peoples. A greater slice of the pie of the Hispanic minority issue among Cubans, Puerto Ricans, Chicanos, and others, but primarily among those three that are geographically concentrated in different areas.

I don't see enough articulation of all of these programs and all of these concerns. I welcome the emphasis on diversification and variation. I think we are different, but we have many things in common that really put us together. We have to respect our differences.

I had the opportunity to go to San Antonio last year. I had the opportunity to meet several very interesting Chicano leaders. I don't know enough of the Puerto Rican leaders. I hope I can get to know them here tonight and tomorrow and the day after. I think we need to work together more closely on our mutual fears and suspicions.

The Cubans are here to stay. We had better count them among the Hispanic minorities, too.

DR. REYES: When I received the invitation to be a discussant, I was very reluctant to do so, because it is very difficult to come in and take off, and discuss a paper that in a sense is merely giving direction to a conference. Usually, one discusses papers that present a theory, that present a position. It is difficult to disagree with any of the things that have been brought up.

As a matter of fact, I am in complete agreement with all of the items. I would like merely to add that the remarks that I will be making are based on a statewide perspective. We are very, very concerned at the Department of Education in California, and so is the State Board of Education, that we are faced in California with a population that is approaching five and a half million. In California 17.5 percent or maybe even more of the population make up the so-called Spanish surnamed groups in California. Los Angeles just advised us recently that these numbers in California represent in excess of 103 language groups . . . heavy problems that are faced by our school districts and those of us that purport to be leaders in education in that state.

Please understand that we are also talking about the fact that about 1988 to 1990, some folks that are doing some unofficial and some official research claim that in California, and in maybe perhaps Texas, the minorities in those states will probably equal or surpass the so-called majority population today. These are things that we need to be thinking about, and for that reason, I urge this conference to look beyond the present orientation of things or the present situation of things which the gentlemen that spoke previously had to focus on. What they said was based on what has passed. It is very, very crucial that those of us who are going to be involved in influencing policy development understand that before a policy is ever adopted or implemented, it will have taken about five years to even formulate a workable policy dealing with any change in the educational system affecting particular segments of our population.

We must be very careful to examine whatever policies we will attempt to influence in terms of the so-called alternative futures, because policies tend to be made and they tend to stick around.

Many times we tend to make policy based on hasty decisions, because we are desperate, because we need to make up for many of the things that have happened to different groups that are unfair and unjust. Unfortunately, then, when these policies do take, they are sometimes already obsolete and will be treated as such by the people that are affected and are supposed to be implementing them.

The educational reforms to which Dr. Gonzâlez referred, we need to definitely take a look at. California, in the last several years, has been involved in educational reform, leading towards individualizing and ultimately personalizing instruction of all students. What will that do to our so-called bilingual education programs where we have, in fact, perpetuated segregated models? Having been hit hard by *Lau*, the *Crawford* decision, and you name it, in the State of California recently, we are out there desperately trying to save programs and not knowing why. We are desparately trying to say, desegregation is going to ruin something that has really been good.

Dr. Gonzâlez cautions us to examine if they really have been good. Can we come up with other models that will also serve as integrative models, as we are being forced to desegregate? Can we really be sure that desegregation will bring about integrated education? There must be something. I don't want to say what my mother used to say about people in this conference, but I will say it about the people that are my friends. Mother met them, and then I became a Ph.D., and she learned that I could not get rid of the pain in her shoulder. She said, "Oh, my children, if you are the most intelligent ones in the world, what fools the others must be."

I would hope, of course, that we do not leave this conference proving my mother right. She usually is.

And I would like again to ask your help and assistance. In California, unfortunately, *Lau* has come along and has caught us unprepared, without this very needed research that we are talking about here. The California Bilingual Education Act of 1976 did not wait for the research. The bill mandates programs for non-English speaking children. It mandates that there will be competent teachers, certified competent teachers.

Many of us don't know what a competent bilingual teacher is, and neither do we in California at this point, but it is mandated. We will issue a certificate that we do have "x" number of bilingual education credentials that must be in the possession of people, effective January 1, 1977, and we go into implementation July 1, which is next week. We don't have time to wait for the research. We have already assumed that we know what is good.

I would urge this conference to help prove us to be right, to be wrong, to change, or whatever. Help us learn from the mistakes that we are going to make. Perhaps we can learn from you so that we don't make too many mistakes in this mandated approach that we have taken to meeting the unique needs of the non-English speaking students of our state.

DR. S. GONZALES: We have had some very significant responses to the papers that were presented. There has been a tone of congeniality here. The remarks have been very serious, and our task is very serious. It is hoped that the congeniality that has been shown here is a way in which in a very relaxed way we can recognize the commonality of our goal, and although our task is extremely serious, and what we are about here is serious business, perhaps by smiling and laughing together we can realize that we really are all in this together, and we have to solve it together.

Synthesis of Floor Discussion and Issues

A participant from the South Bronx, New York raised three issues: one, the necessity of having teachers who have a good degree of human understanding and educational training; two, the fact that in the South Bronx bilingual education is an integrated effort and that parents do not believe in getting students out of the district just for the sake of color coding; three, the fact that people in the South Bronx realize that many problems relate to low income, unemployment, poor housing, etc., and in spite of the drawbacks, parents will continue to work toward improving education for all children.

A definition of bilingual education was requested by a participant from Miami, Florida. Dr. Josué González supplied the answer, stating that in the context of the Conference the participants were dealing chiefly with the transitional model of bilingual education, which is the one which has evolved as Federal policy.

A participant from New York brought up an issue which is a concern in all areas of the country. The ensuing discussion concerned the inability of the courts to deal with pedagogical problems, the necessity of presenting the problem of the Hispanic as different than that of the Black, and the need to properly identify who the Hispanics are. There was some disagreement as to whether the audience and the participants should be concerned with determining the manner of presentation of the cases to the courts; however, note was made as to whether the Hispanic student should be defined as only being language deficient, or unable to speak English, as this would no doubt have an effect on the application of any resulting mandates and available funds.

Another participant from New York suggested that it was important to come up with something at the end of the conference that could show the uniqueness of the Hispanics, that could demonstrate identical discrimination with the Blacks, but that could provide other alternatives as remedies.

Finally, a participant from Buffalo, New York brought up the importance and advisability of having both Blacks and Hispanics involved in cases from the beginning, rather than at the end of the cases.

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SESSION II:

Topic: What is the Department of Health, Education, and Welfare's policy related to desegregation and education concerns of the Hispanic community, and what sources are available for program and research in this area?

Presenter: Dr. Mary F. Berry, Assistant Secretary for Education, HEW.

Introduction of Dr. Mary F. Berry by Mr. John Christensen

MR. CHRISTENSEN: This morning we have with us Dr. Mary Berry, who was appointed Assistant Secretary for Education in 1977. She was the former chancellor of the University of Colorado, and as such was the first Black woman ever named chief administrator of a major American university, and only the second woman to be appointed to such a position.

Mary Berry was born in Nashville, Tennessee, where she attended elementary and secondary schools in a country schoolhouse. After completing her early education in Nashville, she attended Howard University in Washington, D.C., where she earned her bachelor's and master's degrees. Continuing her graduate education at the University of Michigan, she completed her Ph.D. in history in 1966.

An appointment to the faculty of the Central Michigan University as an assistant professor of history followed. At the time, she was beginning law school at the University of Michigan. Moving to Eastern Michigan University in 1968, she was later promoted to associate professor.

In 1970, she joined the faculty of the University of Maryland in College Park as an associate professor, and was an adjunct associate professor at the University of Michigan in 1970 and 1971.

The University of Michigan also awarded her a jurisdoctorate degree in 1970.

With that background, it is my pleasure to introduce to you Mary Berry, who will talk to us today about what the Department of Health, Education, and Welfare's policy relating to desegregation and education concerns of the Hispanic community is, and what sources are available for programs of research in this area.

Dr. Mary F. Berry

DR. BERRY: The answer to the question of what the Department's policy is related to desegregation and other educational concerns of the Hispanic community is simply this: our policy is fuzzy, and is now in the process of being well defined. That is a simple answer. An answer to the further question of what sources or resources are available for programs in research in this area is that very little is available, and not nearly enough to solve the problem.

Having said that at the outset, I will tell you a little more about what policy may be evolving, and also where I think the resources might be obtained. I think it is fair to say that the educational needs of the Hispanic community are even greater than those that exist in the Black community.

I think the fact that so few Hispanics, Chicanos, Puerto Ricans, or of whatever background, graduate from high school, or go on ultimately to graduate from graduate school, signifies a national crisis that desperately needs to be solved.

Many of the problems Hispanics face are similar to those confronting Blacks. Many of the problems are very different. I am aware that the problems facing groups within the Hispanic population are very different. People very often look at Hispanics and say, "Well, they all have the same problem, speaking Spanish. So we can consider them all together and figure out what to do with them; probably bilingual education will solve all their problems. All we have to do is teach them English, and if they will learn that, then we will not have a problem."

I am aware that there are differences among communities which make it awkward for the Hispanic population to work together on some of these issues; some of the approaches that work in some places do not work in others. For example, some of the problems that beset Puerto Ricans in New York City do not occur with Chicanos in some places in Texas, although some worse problems may exist. Puerto Ricans in New York City have a problem with unions and teachers; even if we were able in the Education Division of HEW to find enough money to pay to hire only Spanish-speaking teachers for all the kids in New York City who speak Spanish, I am not sure that we could find the teachers. And I am not sure that union rules would permit us to hire them and place them in the schools quickly, even if we could find them.

So I am aware of all the difficulties and the differences that do exist. I think it is fair to say that even given the decision in *Lau* v. *Nichols* in 1974, which is the basis for much of what we do in bilingual education, much of what was mandated has not been done. I am aware that HEW proposed a number of remedies in the summer of

1975, and that for most Hispanics throughout the country these remedies have not come to fruition yet. One of the issues before this conference ought to be trying to find ways to implement the Lau Remedies.

I think it is fair to say that in most schools and in most school districts, Spanish-speaking children do not have alternative education program models available for learning at an acceptable rate.

Hispanic children are not receiving instruction that is consistent with their language levels and their individual needs. From what parents tell us, they are not adequately informed about the existence of bilingual programs available to their children, and have little influence in the determination of what kind of programs ought to exist.

It is also true that personnel and staffing requirements have not been met in some schools in heavily Hispanic districts. Students there are not sufficiently exposed to teachers who know how to teach them, in whatever way they must be taught, in order for them to learn.

We are still attempting to find solutions to these problems.

I also know some of you are concerned about the issues of desegregation, as they affect Hispanic children. Some of you may be concerned, too, over plans in some places that indicate that desegregation is to be achieved by mixing Hispanics and Blacks in the same classroom.

I am aware at the national policy level, that we have had continuing discussions about what the focus of the Federal Government effort should be. Are we really concerned to see to it that instruction is available to Hispanic children so that they can learn English? Is that the limit of our concern? Are we concerned for bicultural education? Is there some Federal role in promoting the idea that biculturalism is a good thing? Do we want to encourage biculturalism by spending Federal money for it?

Do we want to promote biculturalism as a national goal? And do we see biculturalism as a means of seeing to it that children do learn? For example, does it make any difference whether a child learns math by being taught in Spanish by somebody who speaks Spanish, or whether he is taught math only after he has learned English?

What if a child went all the way through school and never learned English but was taught in Spanish and learned all the subjects except English? Would that be disastrous in terms of national policy?

I think that the answer to those questions that most of the people who are responsible for recommending policy would give right now is that all Americans should learn English. Their view is that everyone should learn English at a level at which they can be absorbed into society as workers and citizens, and that they should learn to enjoy American culture, in the sense that it was derived in English and European forms.

I think it is fair to say that most people in a position to recommend policy do not believe that it is in the national interest to promote and encourage biculturalism if it leads to political problems. And I think it is fair to say that most people who are responsible for recommending policy in the Federal Government will agree that if we were able to see to it that everyone could learn English, that would be the highest goal of a bilingual kind of education.

I think there is a great deal of discussion about trying to encourage kids to speak English, to learn Spanish and to learn other languages. There is a lot of talk about encouraging that as a national movement. I think, in terms of Federal priorities, we are not likely to spend large amounts of money on promoting that objective, although we would encourage states, where they engage in this effort, to continue to do so.

Those are views of policy-makers at this juncture. When policy-makers read reports in the media of children who were in bilingual courses learning less than those who were not, they say, "Well, maybe there is something wrong with what we are doing. Even if we can explain away the differences by saying the people who prepared the test didn't know what they were doing, the model is all wrong." People get somewhat disturbed when they read these results and believe we should rethink what we are doing.

This is the kind of issue where, when we spend money in NIE or Fund for the Improvement of Postsecondary Education (FIPSE), some people say, "Well, we are spending money, but what are we getting for the money? These research results indicate that what we are doing isn't really helping the kids that much anyway." Others argue that if we spent more money the problems would be resolved.

I think my own position is reflected in the budget requests that I have made and will be making officially. That is, that there should be increased support for NIE. We need to do more research on the problems of the Spanish-speaking community, and be particularly mindful of the differences within the community—the differences between the problems faced by Puerto Ricans and Chicanos, wherever they happen to be. We ought to focus more of our efforts there if we get an increase in the budget.

I have justified the increase on that basis, and would expect there would be a great deal more research. The people to whom I speak on this subject, and I have met with a number of Puerto Rican and Chicano groups, agree with me that one of the problems is development of a research base, so that one knows what to teach and how to teach it. It is not simply a problem of hiring more teachers.

I believe it is a major priority to achieve more funding for the kind of research effort that should take place. Then, I think, we need to find some way to come to grips with local control of the schools in a way that will benefit the community. I think that is up to people like you who are in the community. I cannot do that.

We need to have more local influence on the decisions that are made at the local level. For the handicapped we have a new provision that each child is to have an individual education plan tailored to that child. Wouldn't it be nice if every Spanish-speaking kid could have an individual education plan tailored to his needs, and an agreement made over that plan, with the parents' consent, so that the child could learn?

VOICE: We are handicapped. Our children are.

DR. BERRY: That is right, but it would be nice if we could, at the local level or the national level, develop the notion that everybody has a right to an individual educational plan, not just the people who are referred to in the handicapped legislation.

You will see me being sensitive to the issues facing the Hispanic community, understanding the differences, recommending that more money be spent on research on these problems, and encouraging you and other people around the country to try to work at the local level to solve the problems in whatever way you can. I hope that if we are standing here three and half years from now, I will not be saying to you that the Lau Remedies have never been put into effect, and that all the surveys show that the children are not learning, and that we are not making available adequate resources, and that there has not been an increase in the percentage of the Hispanics who graduate from high schools or go on to universities and that the push-out rate is higher for Hispanic children. I hope that we can see considerable success over the next few years.

Synthesis of Floor Discussion and Issues

The first issue that Dr. Berry was questioned on, by a participant from California, concerned local level involvement in political action. To this she explained the importance of taking a very strong interest in the decisions that are being made on the local level. She also reemphasized the need for research and the type of research that is needed, namely, the type that gives support to the needs of the community and makes clear the problems of the different Hispanic groups. She added: ". . . that people should be politically active . . . at the national level. They should always be there, talk to people on the Hill about their problems, staff people as well as the Members of Congress themselves."

A second issue raised, by a participant from New York City, was the discrepancy between research and evaluation. This person criticized standardized evaluation of programs and lack of dissemination of information, and viewed this as research. Dr. Berry clarified the point that duplication of models is research, and its use needs to be further explored. She further clarified the discrepancy between evaluation and research, pointing out that substantiating the worth of any evaluative process needs to be carefully monitored by the Federal Government.

A third issue concerning teacher unemployment, the role of teacher unions in maintaining seniority for its teachers, and its effect on the education of children in bilingual education programs, was brought up by an attendee from New York City. This issue was brought up with that of parental involvement in their children's education. In response, Dr. Berry made known her concern over the potential problems that could result from the teacher unemployment situation. She added that it is very important for parents to exert as much control as possible in the education prospects of their children. She acknowledged the difficulty in New York City concerning control over who teaches the children, but insisted that some form should be found to bring about control by the parents over teacher hiring.

A fourth issue, raised by another participant from New York City, dealt with who would do the necessary research and the fact that the funding for the research would come from NIE. The specific points that were made concerned a feeling that NIE had not done much for the Hispanic community, and that whatever research is done should be done by people who understand what is happening in the Hispanic community. To this Dr. Berry pointed out that she had voiced those very same things, and she hoped that the people from NIE had heard those remarks.

A fifth issue that was brought up came from a participant from Massachusetts, and concerned who has input into the decision-making process at NIE with respect to the allocation of funds and the determination of policies related to the needs of Hispanic students. Dr. Berry was also asked whether there exists some kind of task force dealing with the issue of desegregation and the Hispanic students. In response, Dr. Berry explained that the Council, NCER, determines what the research areas are where NIE will do its work. Then it goes to the directors who run the divisions, and they with their staffs decide how much they would devote to certain areas within the guidelines that are set up by the Council. Dr. Berry also pointed out in this regard that there is at least one Hispanic on the Council. Tomas Arciniega. Concerning the question regarding the existence of a task force, she responded that no task force existed which was specifically entitled, Desegregation and the Hispanic Community. However she explained that there are two groups in the Education Division that are working on issues that relate to that concern. She also pointed out that she presently had one person, Al Ramirez, an HEW Fellow, and would soon have another person, Isodoro Rodriguez, a New York Puerto Rican lawyer, on board in her office to work specifically in these areas.

A sixth issue, brought up by a participant from New York, had to do with whether the efforts being made toward improving foreign language area studies could be coordinated within bilingual education efforts, and whether the President's advocacy with regard to foreign language instruction for the international community applied to Hispanics as well. Dr. Berry answered that she agreed with the President's statement and pointed out that she understood the national policy to be one of a belief in bilingualism and an encouragement of it. However, she also said that part of that policy meant that those people who speak a first language which is not English, have first to learn English in a way that will make them function in a society. In concert with this, she explained that all that can be done at the national level is to encourage local communities by giving them money over and above what they already have to try to support their educational objectives.

A seventh issue, raised by a participant from Washington, D.C., dealt with what HEW is doing to follow up on the *Lau* decision, and Title VI enforcement. Dr. Berry responded that HEW is spending money in the bilingual educational program in the Office of Education, and in that manner is following up on the *Lau* decision. As far as Title VI enforcement, she pointed out that that is the responsibility of the Office for Civil Rights (OCR). It was further pointed out by a member of OCR that OCR is presently in the process of reorganization, and that there will be a branch called the Racial and National Origin Minority Branch, which together with the Office of Policy Planning and Research will be mandated to deal with all kinds of problems.

SESSION III:

Topic: What are the legal/educational implications of desegregation to Hispanics and what research needs does this imply?

Discussion Paper: "Issues in Desegregation Remedial Order for Hispanos"

Presenter: Peter Roos, Esq.

Moderator: Dr. Roberto Cruz

Discussants: Ms. Myriam Met
Ms. Awilda Bennett
Mr. Armando Cotayo
Dr. Frank Brown

Introduction of Discussants and Presenter
by Dr. Roberto Cruz

DR. CRUZ: We are in Washington, D.C., and a lot of people here need to know that the Hispanic community does exist. This is a historical moment, because this is the first time that Hispanics from all over the country have been called in to discuss desegregation issues.

Too often there are a lot of decisions that are made and we are not involved.

We have heard a lot about bilingual education. This is not a bilingual education conference. Bilingual education is just one part of this thing called desegregation, and the implication that desegregation is going to have on all programs for Hispanics *en Florida, en Califas,* (California), *en Tejas, y todo el mundo.*

Alwida Bennett is a teacher in New York and also has a political science background, and is working on a master's at Hunter College, City University of New York (CUNY).

Dr. Frank Brown is a professor of education at State University of New York (SUNY) in Buffalo. He teaches education and public policy.

We also have Armando Cotayo, director of Bilingual Teacher Training Programs (Title VII) at Hunter College.

We have Myriam Met, from Cincinnati, who is a coordinator of Spanish bilingual programs in Cincinnati. They are not taking bilingual education as a remediation type of thing, but as enrichment.

We are very happy to have with us somebody who has prepared several litigation cases, and is the Director of Legal Services for Mexican American Legal Defense Education Fund (MALDEF) in San Francisco. He is very active in preparing briefs for Hispanics, he is Peter Roos, our attorney.

Peter Roos, Esq.

I. OVERVIEW

The primary purpose of this paper is to discuss some of the major issues which arise at the remediation stage of a desegregation situation. It is hoped that with an awareness of these issues the Hispano community will be better prepared to deal with them at a time and in a form that bodes well for favorable resolution. While some of the issues and problems discussed here are unique to the Hispano community, many are not. These other issues are discussed because they will arise and the community must address them in order to have a satisfactory desegregation experience.

Most of the questions which will be addressed arise irrespective of whether desegregation is to occur as a result of court mandate, administrative decree or voluntary efforts. This is primarily because of the tradition in the desegregation area that school boards will have a major voice in preparing remediation plans. In other words, the party most responsible for the existence of segregation will be asked to develop a plan to undo it. Given this fact, given the general opposition to desegregation in the Anglo community and given the responsiveness of most school boards to that community, it should come as no surprise when the school district exhibits insensitivity to minority concerns and attempts to insure minimum inconvenience to the majority community—frequently at the expense of the minority. These dynamics should not be forgotten or the Hispano community will suffer the consequences.

II. CURRICULUM ISSUES

A. Issue #1—Bilingual Education

Clearly the most immediate and direct problem faced by the Hispano community undergoing desegregation is how to preserve bilingual education programs. On a more positive note, a related issue which might be taken under consideration is whether desegregation offers a possibility for enhancement of bilingual programming. Each of these will be discussed in turn.

Simply stated, the threat to bilingual programming derives from the dispersal aspects of a desegregation decree. Students are dispersed to various schools in order to break down ethnic or racial concentration. It is just such concentration that many feel to be a predicate for effective bilingual programming. Can these apparently contradictory goals be reconciled? The answer depends upon the degree of concentration one feels is needed and the willingness of different parties to compromise.

The first issue which must be resolved is how concentrated, or indeed segregated, a bilingual program should be. If the goal is to preserve an ethnically identifiable school in the name of bilingual education, the chances are fairly slim, in the absence of agreement by all parties, that this is permissible. In Boston, an ethnically identifiable bilingual school was preserved because all parties, including the Black Plaintiffs, Defendant School Committee and HEW, acquiesced. In Denver, by contrast, a proposal by Hispano intervenors to exclude four schools from the order was rejected by the United States Court of Appeals [*Keyes* v. *School District No. 1, Denver,* 380 F. Supp 673, 692, 694-96 (D. Colo. 1974) Rev'd 521 F.2d 465, 479-83 (10th Cir., 1975)]. Given the apparently greater interest in desegregation by the Federal government today, it seems unlikely that the Boston accommodation will be repeated; thus the Denver precedent probably provides surer guidance.

However, one should not make too much of the Denver holding. It merely struck down the con- [illegible] you can maintain segregated schools in [illegible] name of bilingual education. In no way can it be read as prohibiting concentrations of bilingual students in an otherwise integrated setting. It is precisely this approach which has been adopted by several courts. In another part of the Boston decision, the court adopted an approach suggested by Hispanos that called for the assignment of bilingual students to otherwise integrated schools in sufficient numbers to insure four (4) consecutive classes [*Morgan* v. *Kerrigan,* 401 F. Supp 216, 242, 252 (D. Mass. 1975) aff'd 530 F.2d 401 (1st Cir., 1976) cert. denied 421 U.S. 963 (1976)]. These students would first be assigned to a school, and the ethnic consequences would then be noted. Subsequently, Black students would be assigned to meet the minority ratio. Anglo assignments would follow. A similar approach has been adopted in Wilmington, Delaware. For those who believe that effective bilingual instruction requires the classroom segregation of bilingual students, this approach would seem to be legally permissible and to accomplish that goal [but see 45 C.F.R. 184-43 (c) which requires ESAA grantees to educationally justify any grouping which results in ethnic segregation for more than 25% of the school day]. Most programs which permit classroom segregation nonetheless mandate integration in courses in which linguistics allegedly is not important, such as art, music and physical education [see e.g., 41 Fed. Reg. 23863 (June 11, 1976)].

While it is not really within the scope of this paper nor the expertise of its author to discuss the merits of various degrees of integration, some observations might be appropriate; at least one expert, José Cárdenas has argued (1975) that bilingual *classes* ought to be ethnically integrated. Presumably some clustering of bilingual children would still be needed if this approach were adopted; however, significant numbers of Anglo children would also be included in the classes. Apart from the educational merits of such a proposal, there are some administrative considerations that need to be weighed. Favoring a high degree of integration is the historical recognition that segregated education has permitted racist school boards and administrators to isolate those they care least about and to provide them with an inferior brand of education. In school systems which are controlled by non-Hispanos, segregated bilingual programs clearly are threatened by this problem. Conversely, the approach suggested by Dr. Cárdenas poses a serious practical problem which must be weighed by its advocates. While a fully integrated classroom in which different rates might sound ideal, it is extremely difficult to monitor. If one is distrustful of school systems, it is easy to picture the outcome of this approach as approximating an immersion system in which the only semblance of bilingual instruction is a bilingual aide. We have frequently heard complaints that bilingual children are being taught by only improperly prepared aides. These are some of the considerations which one might wish to weigh in evaluating the degree of integration desired.

Another bilingual education issue may arise in a desegregation case. In *Milliken* v. *Bradley* 45 U.S.L.W. 4873 (June 27, 1977) the Supreme Court ruled that a District Court, having first found unconstitutional segregation, may order educational components as a remedy ancillary to desegregation. On the same day, however, the Court finally ruled in another case that remediation must closely fit the violation *(Dayton Board of Education* v. *Brinkman,* 45 U.S.L.W. 4910 June 27, 1977). The *Milliken* case would give hope for the addition of bilingual remedies. It should be noted that this presents a somewhat different issue than above discussed. *Milliken* offers hope of obtaining bilingual relief rather than merely preserving existent programs; however, the *Dayton* ruling *may* limit this possibility to instances in which there has been an actual finding of *de jure* segregation of Hispanos.

Bilingual orders may be appropriate under either of two rationales. First, courts have ruled that meaningful bilingual programming is necessary to overcome the consequences of the past segregation. [*United States* v. *Texas* (San Felipe Del Rio) 342 F. Supp 24 (E.D. Tex. 1971), aff'd *per curiam* 466 F.2d 518 (5th Cir. 1972), *Arvizu* v. *Waco Independent School District,* 373 F. Supp 1264 W.D. Tex. 1973) aff'd in part, rev'd as to other issues 495 F.2d 499 (5th Cir. 1976),] secondly, while courts have broad power to remedy racial/ethnic isolation there usually arrives a point where it has been determined that it is not feasible to desegregate some schools due to geographical or other logistical hurdles; in such instance it may well be appropriate to order alternative bilingual or other educational approaches [*Crawford* v. *Board of Education,* 17 Cal. 3d 280, 309 (1976); cf. Bell *Waiting on the Promise of Brown* 39 Law and Contemp. Prob. 341, 354-44 (1975)].

In sum, a community that is sensitive to the bilingual issue and which seeks help at an early time should have no difficulty preserving what it has; the difficulty is not preservation, but method of preservation. A resolution concerning which integration model to adopt is necessary.

B. Issue #2—Teacher Integration

A problem closely akin to the bilingual issue described above is that of teacher integration. Most school systems tend to assign Hispano teachers and principals to Hispano schools. A standard element of a desegregation decree or plan requires the dispersal of faculty members to schools in ratios that approximate their percentage in the school district as a whole [*Singleton* v. *Jackson Municipal School District,* 419 F.2d 1211 (5th Cir. 1970)]. An unthoughtful dispersal of bilingual instructors can have the same consequences as the similar dispersal of students. Good sense and the limited authority which exists permits the matching of bilingual instructors with students in need of bilingual instruction [cf. *Diaz* v. *San Jose Unified School District,* 412 F. Supp 310 (N.D. Cal. 1976)]. It must be cautioned, however, that this is a limited exception to the ordinary rule of integration. Authority does not exist for the proposition that non-bilingual Hispano students have a right to predominantly Hispano faculty (see e.g. *Morgan* v. *Kerrigan,* supra 509 F.2d 580; *United States* v. *Omaha School District* 521 F.2d 530). Some persons have argued that the "role model" value of such placement or the mere need of Hispano students to be counseled by sympathetic members of their own background militates in favor of such grouping. While these arguments have not won favor as justification for preserving segregated faculties in heavily Hispano schools, they should be made in arguing for some significant Hispano faculty presence in any school to which Hispano students are dispersed. This modest approach most likely should meet acceptance by the ultimate arbitrator of the desegregation plan.

In the area of bilingual education, there exists at least an opportunity to increase rather than merely preserve Hispano presence on faculties. Several courts have issued hiring orders as part of desegregation plans (see e.g. *Morgan, supra*). Without at least a *prima facie* case of discrimination in employment however such an order is unlikely.

C. Issue #3—Ancillary Bilingual Services

While a School District may be able to provide adequate psychological, social and counseling services to students in their native language in a segregated facility, the dispersal of those students will almost certainly cause a demand for increased personnel. A switch from school based to itinerant services may be necessary in some instances; however, it must be recognized that the sheer logistics of the problem will reduce the time that these personnel will have to provide direct services; thus the need for increasing hiring.

D. Issue #4—Transitional Services

As anyone who has picked up a newspaper in the past several years knows, desegregation causes substantial strain on the community and the students involved. This may be even greater for the Hispano community and student due to the language and cultural barriers which separate them from both Blacks and Anglos. Likewise, the close family ties in most Hispano families and the lack of a historical sense of the role of desegregation in the protection of civil rights may make desegregation and the loss of a neighborhood school seem inscrutable. Finally, if a student must attend school in another neighborhood, it frequently is quite difficult for a poor parent to retain contact with the new school. Each of these problems can be mitigated, if not overcome, by a sensitive plan. It is crucial that parent and community groups have input to insure that such a plan is the outcome of the desegregation process.

Special counselors and school-community liaison persons have been incorporated into desegregation plans. The purpose of having such persons is to provide parents with access to the system and, conversely, to provide the schools with input concerning parent needs and desires.

Bi- and tri-racial parent and student advisory councils likewise have frequently been incorporated into desegregation plans. Among the reasons for these councils is the need to air viewpoint differences and to deal with them—rather than allow them to simmer below the surface.

Meaningful inservice training should be a part of any desegregation plan. Anglo teachers who have only dealt with Anglo students are unlikely to be prepared to work effectively with Hispano students and parents. Mandatory inservice training programs must be initiated to insure that there is a proper understanding of the students' background and culture. Likewise there must be training in intergroup relations so that faculty members are equipped to deal with the inevitable problems which arise when students of different backgrounds confront each other for the first time. A publication which describes steps toward successful desegregation is *Desegregation Without Turmoil,* available from the National Conference of Christians and Jews, 43 W. 57th St., New York, New York 10019.

E. Issue #5— Tracking and Misclassification

A common problem even in segregated schools, but one which is exacerbated in a district undergoing desegregation, is that of misclassification and tracking. Not infrequently, Hispano children are placed in classes for the retarded or in non-academic tracks on the basis of biased instruments or advice given by Anglo teachers or counselors who stereotype them. The problem is exacerbated during desegregation for two (2) primary reasons. One, that segregated schools are likely to have segregated faculties. Whatever negative consequences may flow from this fact, one positive result is that faculty members are likely to understand that linguistic and cultural factors interfere with normal school progress or success on standardized tests; also, as successful persons themselves, they are not likely to hold negative stereotypes. Anglo faculty members in a desegregated school are not as likely to be so sensitive. Two, that Hispano children frequently, will not be at the same level of achievement as their Anglo counterparts. This flows in significant part from the nature of their previously segregated education. Whatever its cause, it calls for remediation, not classification into tracks for those with less ability. Anglo teachers, not sensitive to the needs of the Hispano child, but instead acutely desirous of a homogeneous, easy class, composed of students all on a similar level, have frequently recommended that these children be classified into dead-end tracks. This problem must be closely watched during the course of desegregation.

III. NON-CURRICULUM ISSUES

A. Who is an Hispano?

Various issues, spurious and otherwise, have arisen in desegregation litigation all of which in some way hinges upon the identifiability of the

Hispano community and the members of that community. As we have learned, nothing can be taken for granted in the context of desegregation, and thus one should be prepared to deal with each of these issues no matter how frivolous it might appear. It should be noted that this issue most frequently arises when there has not been a finding of *de jure* segregation of Hispanos. If the court has made such a finding it, of necessity, has found them to be "identifiable".

The first and most basic issue is whether Hispanos are an identifiable ethnic group at all. The answer for Chicanos in the Southwest seems to be a definite "yes" [see e.g. *Keyes* v. *School District No. 1,* 413 U.S. 189 (1973); *Castaneda* v. *Partida* ______U.S.______ 51 L. Ed.2 498, 511 (1977)]. The only problem of transferability of these precedents to Chicanos in other areas of the country and to other Hispanos is the existence of language in *Keyes* which seems to tie the court's identifiability of Chicanos to specific disabilities suffered in the Southwest. Thus, arguably, it is necessary for those involved in other areas of the country to show that Hispanos in that locale have suffered the same history of discrimination and disability as have Blacks.

Several sub-issues which frequently arise in desegregation litigation flow from the determination of "identifiability." As will be argued, however, a negative determination of identifiability need not preclude positive Hispano involvement in the development of desegregation plans. The first sub-issue is whether Hispanos have the right to intervene or become formal participants in pending litigation between Blacks and the school system. The answer is in the affirmative, at least where timely application is made and the question of identifiability is resolved positively; as one Court of Appeals has stated:

> [N]o remedy for the dual system can be acceptable if it operates to deprive members of a third ethnic group of the benefits of equal educational opportunity—[T]o exclude Mexican Americans(s) from the benefits of tripartite integration in the very act of effecting a unitary system would be to provide Blacks with the benefit of integration while denying it to another . . . group on the basis of ethnic origin. [*Ross* v. *Eckels* 468 F.2d 649, 470 (5th Cir., 1972); see also *United States* v. *Texas Education Agency (Austin I)* 467 F.2d 848, 870 (5th Cir. en banc, 1972), *Evans* v. *Buchanan* 416 F. Supp 328, 359 (D. Del. 1976)].

A second sub-issue which may flow from a finding of identifiability is whether a school district may "integrate" by calling Hispanos white and thus mixing them with Blacks. Under this form of "Texas integration," the Anglo community is permitted to remain in their neighborhood schools. The above cited Fifth Circuit cases each arose from this approach to desegregate and each stands, in part, for the proposition that it is improper. Although there was no express ruling thereon, a previously cited case [*Keyes* (Denver)] likewise argues for the separate treatment of Hispanos in a desegregation decree *even* when there has been no finding of *de jure* segregation as to Hispanos. An ancillary question raised in tri-ethnic situations is whether a school is to be considered segregated if the combined population of Blacks and Hispanos is substantially above the acceptable ratio, but the percentage of Blacks alone is within an acceptable ratio. This question assures a finding of unconstitutional segregation only as to Blacks. While no direct authority answers this question, it would seem clear that if one could not desegregate by using Chicanos as Whites it would, likewise, be necessary to include Whites (Anglos) in any school in order to achieve integration [see also *Morgan* (Boston) *supra* in which, as previously described, segregation was defined in terms of "minority" percentage although no finding of Hispano *de jure* segregation was made].

Do these above-stated resolutions to the various issues posed still apply in the absence of a finding of identifiability? With respect to intervention for purposes of protecting special programs for Hispanos (e.g. bilingual education) the answer seemingly is yes. Intervention is not contingent upon ethnic identifiability but rather predicated upon having an interest in the subject matter of the litigation of a possible impairment of that interest; as previously discussed, unless there is close attention by interested parties, those programs especially designed to meet Hispano concerns can be threatened by a desegregation decree. Thus timely intervention should be granted as a matter of right. On the other hand, if a court were to deem it necessary to prove that Hispanos are identifiable in a given locale, and further were to rule that the burden had not been met, some of the other issues might be resolved differently; it might be proper to consider Hispanos as White. The short answer to this manifest blindness is for any Hispano group which wishes involvement in a court ordered plan to document its uniqueness. A good starting point is the discussion in *Cisneros* v. *Corpus Christi Independent School District,* 324 F. Supp 599, 604-608 (S.D. Tex, 1970) aff'd 466 F.2d 142 (5th Cir. 1972) (*en banc*) *cert denied* 413 U.S. 920 (1973).

The Los Angeles desegregation case spotlights the degree of vigilance which must be exercised by Hispano groups. During the course of remedial hearings, the Judge, without any apparent prompting, opined that in his view many second and third generation Chicanos were assimilated and thus could be treated as White for purposes of desegregation. The Court further criticized, for the same reasons, the use of Spanish-surname as being synonymous with minority. After consulting with Jane Mercer, the Court apparently has concluded that it would be impossible to measure degrees of assimilation and, further, is apparently convinced that few Chicanos really lose their minority status in Los Angeles. It has been further observed that those Hispanos who might be assimilated would be the ones who live in predominantly Anglo neighborhoods and thus their "conversion" to majority would further imbalance schools in those neighborhoods. While the immediate problem in Los Angeles seems to have been resolved, this issue seems likely to reappear in the future. Social science research on both identifiability and assimilation would seem to be needed in this murky area.

A final problem which might properly be described as spurious, but which nonetheless has arisen in one city (Boston) is whether Black Hispanics are to be considered Black or Hispanic. Arguments against dividing families on the basis of skin tint, and a recognition that Black Hispanics usually relate to their Hispanic background in terms of language, religion and culture, should overcome any threats posed by a plan of this sort. The Boston School Committee, after a community uproar, discarded all plans to treat Black Hispanics as Black.

B. Equity in Desegregation

An issue which arises in virtually every desegregation situation is that of fairness in the allocation of burdens. This issue arises for the reasons that were expressed in the overview section of this paper. Anglo-controlled school boards in their responsiveness to the Anglo community are inevitably inclined to place the lion's share of the burden on minority communities

This problem is most starkly raised in the context of "one-way" busing. Minority schools are closed or converted to non-teaching facilities and those children are bused to predominantly Anglo schools. This approach would seem to be especially appealing in a time of declining enrollment. Courts have frequently struck down plans which place an unfair burden on minority students [see e.g. *Arvizu* v. *Waco Independent School District,* 495 F.2d 499, 504 (5th Cir. 1974); *Felder* v. *Harnett Co. Board of Education,* 409 F.2d 1070 (4th Cir. 1969); *Brice* v. *Landis* 314 F. Supp 974 (N.D. Cal. 1969)]. However, where districts voluntarily undertake an integration plan, courts seem much more reluctant to strike down inequitable plans [see e.g. *Moss* v. *Stamford Board of Education,* 356 F. Supp 675 (D. Conn., 1973)]. This reluctance seems to be based on a general view that positive voluntary efforts should be encouraged. This theory is, of course, not applicable in a formal desegregation context.

IV. CONCLUSION

As the discussion of the above-stated issues makes clear, it is vitally important that Hispanos be timely represented in any forum in which remediation for segregation is being considered. The failure to anticipate and meet these issues may well result in the loss of effective programs. It may well result in undesirable burdens being placed on the Hispano community. The tools exist to prevent these occurences. They need to be used.

Edited Transcription of Discussants' Comments

MS. MET: [Much concern has been voiced over the potential conflict between desegregation and bilingual education. The program operating in Cincinnati shows how both can exist where an enrichment model of bilingual education is instituted.]

I think some of you may know that in Cincinnati we have a voluntary desegregation program. We have a handful of Hispanic children in our program, most from homes where at least one parent speaks Spanish. They are all English dominant children.

Our program is 50% Black and 50% white. We operate it in four schools this year.

We have operated in four schools last year. We are expanding to a fifth next year. One of our schools was so over-subscribed in voluntary enrollment that we had to open a new classroom last week to accommodate all the people who want to get in. The program is an opportunity for all English dominant children to become bilingual.

I call Anglos "The Deprived Majority." I think one of the things that we have to recognize about bilingual education is that it is good for kids to learn another language, whether that other language is English, Spanish, French or Italian. There is value in being bilingual. People have a right to learn more than one language.

Bilingual education as it exists today is going to remain in the field of compensatory education, and it is not compensatory. Bilingual children have an advantage, and it is an advantage that we ought to be proud of and recognize.

When I came to the United States, we were told, you can speak only English at school and at home, so that you will learn to be an American. You can be an American and be bilingual, and be bicultural, and you can be multicultural, and I think we all have to recognize that.

When I lived in a small town in Indiana, there was a local school board that was trying to decide whether or not to introduce foreign languages in the secondary schools. The school board had a long and lengthy debate, after which it was decided that if English was good enough for Jesus, it was good enough for them.

I think we are beginning to come to the point in the United States where we recognize that Spanish is good for all of us. The program that I work with has 600 children enrolled in it this year. It will have 1,000 children operating in five schools next year. All of these children come from families where the parents want them to be bilingual, where they want them to learn Spanish as a second language, and it is a bilingual program. It is not foreign language program in the elementary school. In kindergarten they get their regular kindergarten readiness experiences in their native language to get them ready for native language instruction in the first grade. They get a half-day of kindergarten enrichment activities that reinforce the readiness concepts that they get in the morning in their second language.

When they go into first grade, we follow up that experience with Spanish as a second language, in a sequential instruction program of oral language development. While we are getting the children ready for constant instruction in their second language, they are learning to read and write in their native language, just as many models of maintenance bilingual programs advocate for Spanish-speaking youngsters.

When they get to the third grade, they have a bilingual teacher who is capable of teaching them in the content areas in both languages, and they receive instruction in the content areas in both languages. They learn to read and write first in English. Then they learn to read and write first in Spanish. They receive their math concept development in English, and they get review and practice in Spanish, until they are ready to do concept development in Spanish.

When they are ready for concept development in both languages, then it is alternated so at all points children are able to deal with conceptual instructional processes in both languages.

Right now, the program operates K through 4. It is expected to expand to every grade and is projected for K through 12. It is, as I said, a program of voluntary desegregation, and all the children who attend the schools choose to be there. Almost half of them are bused. Some of the schools that offer the program were predominantly Black before the program was offered. Some of them were predominantly white. The impact of the program has been about 20 percent in two years concerning the achievement of voluntary reduction of racial isolation.

In terms of research needs in bilingual education there are some areas that have not been focused upon in the past that we ought to be looking at.

We have looked at the educational process for so long that we have forgotten that language forms an integral part of learning, and that there are times when we do not remember to separate what is language and what is learning in the education process. The advantage of bilingual education is that it helps us to separate the role of language in the learning process from other kinds of learning strategies that learners have, and from other kinds of instructional techniques that teachers use in developing concepts in students.

I think we need to find some support for bilingual education, whether it is for Hispanic children or for Anglo children by pointing out the positive advantages to children who acquire a second language in the formative years. There has been research that has been done, mostly in Canada, on French language programs that show that children consistently do better in measures of verbal ability and general intelligence scores when they learn a second language before they reach puberty. That is good for all children whether they speak English as the dominant language or Spanish as the dominant language.

I think one caution that I have heard here is about evaluation of bilingual education programs. I think that bilingual education too often is subjected to assessment criteria to which we do not subject the general instructional program in any school district.

Bilingual education is expected to do a great deal for children, but so is education in general and I don't think that we can fault bilingual schooling for failing to deliver where monolingual schools are not delivering either. That is not to say that that is good, but I don't think we can criticize bilingual education for failures that are replicated across the board. We need to do something to help all children, both bilingual and monolingual, children in monolingual programs and in bilingual programs.

MS. BENNETT: I think Mr. Roos was quite complete in his exposé of legal educational implications of desegregation, and as a bilingual elementary school teacher, I will share with you some of the issues that are most relevant to me.

I do not propose to get too involved in legal matters, as I am not an expert in that field. As an educator, I must tell you that I have had to learn through trial and error. My training and education as an undergraduate in the New York City schools did not equip me to deal with the many issues that I have been confronted with within and outside the school. Many of the issues that are most relevant to me as a teacher regarding desegregation of the Hispanic and bilingual education have been mentioned already, so I shall very briefly bring forth two or three issues that I feel require further study.

I feel that the issue of who is an Hispanic, as Mr. Roos mentioned, is very crucial and must be dealt with before attempting to formulate any desegregation remedies in the school. In New York City, the identity of an Hispanic has been based on language or having a Spanish surname, as decreed by *S.B. Row* v. *the New York City Board of Education,* better known as the Aspira Consent Decree, to most everyone.

There are several questions which arise in identifying or classifying students in this way. How well we deal with third generation Hispanics who are English dominant or monolingual in English, in desegregation is very important. We tend to assume that first generation and third generation Hispanics think alike, and share the same orientation with regard to values, lifestyles, and so on.

One has only to look at the displacement problems that the Puerto Ricans who have lived in New York City most of their lives face when they go back to live in Puerto Rico. I suspect that it is more than a language problem. I feel that further research is needed in this area. In my discussions with other teachers, we have observed that there seems to be a tendency for the newly arrived students to group together and the bilinguals to do likewise among themselves. At a time when the thrust is to individualize instruction, I feel that these subtle differences must be observed more closely.

If desegregation is to be inevitable, reasons for integrating the Hispanic with other groups, Anglos or Blacks, for that matter, will have to be defined in such a way as not to cause further antagonism among these groups, as it deals with bilingual education. We must cease to think of bilingual education as a necessity for children with limited English speaking ability, thereby undermining the first language spoken by these children.

Issues for justifying integration must deal with positive reasons and purposes. Otherwise, bilingual education will be viewed in the light of remedial determinants and not for its enriching and enhancing considerations.

I also feel that instruments for assessment have to be devised to determine the progress that the non-Hispanic groups will be showing in the second language, if and when desegregation is to take place. In my school, monolingual English speaking children have not benefited at all in language skills from the bilingual program. In my school, the children who are not Hispanics are Black. The Anglos are non-existent, except for teachers and administrators.

This has serious implications for the desegregation issue. One of the problems that I face in my school is the segregation of bilingual teachers and regular teachers. There is very little communication and understanding between the two groups.

I strongly feel that some form of integration—that form will have to be determined, whether it be legalistically or pedagogically—is essential if we are to preserve bilingual education as a positive and necessary pedagogical goal with long-term implications. We must closely analyze to what degree desegregation will play a role in actually affording equal educational opportunity to all children. If we must desegregate, let us not do it at the expense of the Hispanic children.

Communication and understanding of the issues of desegregation and bilingual education are imperative, not only among lawyers, policy-makers, educators, and others concerned with education in general, but by children, parents, and the community at large. I must emphasize this, although it has been said before, I feel that communication and understanding are at the heart of transforming conflicting value systems into workable solutions.

MR. COTAYO: Buenos dias.

Quiero ser muy breve y evitar repetir lo que ha dicho el Señor Roos.

The issue of bilingual education, the threat which desegregation presents to bilingual education, derived from the dispersal of students and/or faculty, is presented as the most immediate and direct problem. I agree that it is a tremendous problem. My main concern is that the goal of preserving an ethnically identifiable bilingual school apparently does not have much possibility, except when all parties are in agreement.

Mr. Roos cites two cases, one in which a community have been successful in Boston, and of course the famous *Keyes* v. *School District One* in Denver, in which a community was not. I question whether Hispanic communities have to accept this precedent. Why must we accept one and not the other, even though it does not prohibit concentration of bilingual students in an otherwise integrated setting. Is it not possible for predominantly Hispanic communities to have bilingual schools, and not merely programs, or a number of consecutive classes within monolingual schools?

Are such schools not possible, even in cases where the concentration is educationally justifiable by means of improved achievement, attendance, and student and parent satisfaction? I am informed that the *Lau* remedies recommend that in cases where ethnically identifiable schools already exist, they may remain as such, but new schools may not be created.

I would say that is limiting in any case. If communities want ethnically identifiable schools to be created, they should do so. Naturally, a close watch over the schools is necessary, but it is hoped that whenever the administrators and teachers are selected, extreme attention would be given to the selection process in order to maximize possibilities of success.

Bilingual education networks are expanding. It is possible to establish communication between school districts so that those which are administered by individuals who are opposed to the educational process or the educational approach may be assisted by those administered by individuals who favor it or school districts who favor it.

Resources at all levels have been created in the past nine years since the enactment of the Bilingual Education Act, as well as other types of services, such as most provided by the Mexican American and Puerto Rican Legal Defense

Funds. These and others can provide communities with the information and services necessary so that they may have the type of class or school they may desire.

The Cárdenas plan, which proposes integrated classes in which different children learn in different modes and at different rates is viewed as ideal, but posing serious practical problems, that is, difficulty in monitoring.

Is it unreasonable to demand adequate monitoring systems for educational programs in general, and for court-mandated programs in particular? Court-mandated programs are notorious for their lack of accountability and evaluation. It seems common practice in our system for agencies concerned with problems of the citizenry to count the chickens before they are hatched. It is the goal of these agencies to improve upon problematic situations generally requiring immediate attention. They opt for the use of influencing policy as the means by which to achieve this end.

It is often the case that the passage of legislation fought for is considered by the interested parties as tantamount to victory. In actuality, enforcement of practices resulting from interpretation are far from what was originally intended. If we have plans available, such as Cárdenas', which has been opposed by courts for reasons other than the educational principles it espouses, isn't it possible that the offices of bilingual education, Federal, state, and local, promote the development of programs or schools based on this plan?

Offices such as NIE may research their effects, educational and otherwise. The latter, however, prior to the establishment of any program, might be most useful by conducting studies to determine community characteristics, such as language, culture, socio-economic levels, mobility, intergroup perceptions, et cetera.

The results of these studies would facilitate the determination of program feasibility, necessary adaptations, and so forth. They would ensure not only that the horse is put before the cart, but also that it is properly selected so as to have sufficient power to pull the vehicle.

I concur with Roos that difficulty in the issue of bilingual education preservation is in the area of methodology utilized, and not preservation per se.

The issue of teacher integration. The problem of Hispanic teachers' and principals' assignment to predominantly Hispanic schools is cited. In New York City, this has been documented by the Office for Civil Rights. You may refer to the report of November 9th, 1976. The situation is known to be true of other minority groups as well.

This issue is key to the implementation of desegregation for the Hispanic. On the one hand, the dispersal of Hispanic faculty may deprive Hispanic students of teachers who are knowledgeable of their language and have sensitivity for their cultural background. Minority group members live in two social, cultural, and linguistic worlds, their own and that of the majority group. The minority teacher, presumably of the same community or group as the children, has a greater communicative facility as well as being better able to relate to the parents and the community.

The teacher may not have negative stereotypes about the children and their language. These are crucial considerations, to be given the attention they merit. On the other hand, the concentration of Hispanic faculty in Hispanic schools has its possible detrimental effects. There is generally a disproportionate number of Hispanic teachers with little or no teaching experience serving Hispanic children.

Because they are often the youngest faculty, in many cases graduates of the system of open admissions, with the least seniority, in times of economic crisis, if the last hired, first fired formula is enforced, they are the first to go.

The children must change teachers sometimes more than once during a school semester. Furthermore, the bilingual teachers in schools with high concentrations of Hispanics are expected to act as language models for children in standard forms of both languages, as well as at least to understand in some cases more than one dialect variation of each. This is a great demand on some teachers, and it does not make it possible for them to provide the level of educational quality they aim for.

Further research in the area of teacher ethnicity and teacher characteristics is needed. It is indeed necessary to investigate what characteristics, personal and professional, account for teachers' ability to better relate to Hispanic students, parents, and communities. This information is valid not only for school boards and communities in their decision-making process during desegregation, but also for institutions of higher education, for the preparation of teachers, and for state education departments for their certification. Even though a great number of programs exist, certification still does not, and as Dr. Reyes stated, in cases where certification does exist, it is done on the assumption of what supposedly is the desired case, but more foundation for this is needed.

The role model value, as Roos states, used by some as an argument for teacher placement, also needs to be studied, since there is, to my knowledge, no evidence of its effects. Inasmuch as this is a very sensitive and controversial area, intra- and intergroup counseling already exists regarding teacher ethnicity. Adequate investigation may result in findings that would alleviate existing conflict.

The issue of bilingual services. I am in agreement. The interpretation of the implications of dispersal is precise. I would agree that there would be greater need for increasing hiring, so that they may service children in communities having to travel.

The transitional services. It may be my interpretation, but I question them. The most important services mentioned are those that would ensure two-way communication between parents and schools, and in-service training of teachers who are prepared to work effectively with children of diverse linguistic and cultural backgrounds. I am not sure exactly what function the liaison persons would perform. I think one of the great achievements of bilingual programs, especially in New York City, and I am sure that the persons here from Community School District 7 can attest to that, is that there has been greater parental participation in the planning, in the implementation, and in the evaluation of the programs.

Parents have had direct access to administration, to administrators. There has been no need of bridges for communication. If the students and the faculties were dispersed, if the schools were not accessible, they may have to rely on third parties to reach those administrators, and the administrators in turn would have to rely on third parties to reach communities.

The issue of tracking and misclassification. To this section I would like to add that the case has often been that Hispanics have been tracked for purposes of isolation and to avoid having to provide adequate educational programs which neither administration nor faculty was prepared to offer. Ability grouping has demonstrated positive effects if implemented with sufficient flexibility, and it is recommended that whenever educationally justifiable, it is practiced.

However, as Roos states, it must be closely watched during the course of desegregation, and I add, it must be even more carefully watched when it is done supposedly for bilingual curricula.

The first non-curriculum issue was, who is an Hispanic? The most basic issue cited is as to whether Hispanics are an identifiable ethnic group, and *Keyes* v. *School District 1* and *Castañero* v. *Tortida* are mentioned as those cases which limit the term Hispanic to Chicanos, and in which the same history of discrimination as that of Blacks has been shown. However, Teitelbaum and Hiller present other cases which have differed, and they mention *Hart* v. *Community School Board of Brooklyn, New York City School District 21,* and *Morgan* v. *Kerrigan, in* which legal status of other minorities have been recognized.

The issue of equity in desegregation. Here warning is given as to the possibility of unequal burden placed upon minority communities in desegregation plans. One-way busing is mentioned as an example. I am concerned not only with the greater physical burden placed upon minority students and communities, but more so with the greater inequity resulting from the possible social and psychological damage caused by desegregating. Desegregation of school districts does not equal desegregation of schools or classes. There is no court that can guarantee that Hispanic children sent to desegregated schools will be received positively by the teachers, administrators, and other group students.

I think one of the greatest contributions of Mr. Roos' paper is his warning on possible effects. His recommendation is that social science research in both identifiability and assimilation be done. I agree that this is greatly needed. However, studies of this nature should be concerned with variables that will facilitate educational planning as well.

One last point I would like to add is that consciousness of ethnicity has awakened tremendously in this country in the past decade. Much has been done to preserve what we are, the way we live, as well as one of our most important manifestations, the language we speak.

The Federal Government has determined that it is in the interest of the minorities to desegregate and has made it policy, but minorities well know that Federal policy has not necessarily always been in their best interest.

DR. BROWN: I agree completely with Attorney Roos' statement about desegregation and bilingual education programs. I would like to talk to you a bit about hard research, and also about my involvement, as a person who has written several briefs regarding school desegregation.

First of all, the courts are really not interested in whether or not bilingual education programs are viable entities. They are really not interested in whether philosophically they speak to the goal of providing each youngster a quality education. They are really not concerned about the various types of bilingual education components.

I think there ought to be more Hispanic people involved in school desegregation cases. I am from Buffalo, and I argued a case in Buffalo in the Federal Courts, and as you know, Buffalo is under court order to desegregate. Now, how we resolved the issue in Buffalo was by calling on Aspira in New York City to come up and give us some assistance. They did come up, and we did receive assistance.

The question was, the Judge said, "Why don't you go and talk to the plaintiff?" I said, since I represented the plaintiff, the question was to me whether or not to allow any desegregation plan, since the Puerto Rican community ought to have an identifiable bilingual education school. Now, that was very easy for me, because the teachers in the school were students of mine at the university. They came up and said, "We think it is a good idea," and I said to the lawyer for the plaintiff, "We think it is a good idea," and we wrote it in a brief. I wrote the brief, so I wrote it in.

After I had written the thing in, I had some concerns, because as the attorney said, the system can deal you down on either end. Whether you are integrated or segregated, you come out on the losing end. Heads, I win; tails, you lose. The point is, bilingual education should not, in my mind, be a goal. It is a means toward an end. Now, what is the end?

I guess in the end, in the Black jargon, it is to have every Hispanic youngster being able to take care of business, TCB. Once they get out of the school, will they be able to survive, do all the things needed to get through the system, because the system is rough?

Those are some of the objectives, some of the goals, as I see it. Bilingual education is one means of getting the Hispanic child to deal with the system and to deal with his own culture.

I have heard here thoughts about help for the bilingual child through education, but I perceive bilingual education in a much broader context. I see it as teaching appreciation of one's culture, and in some cases you can only do that by teaching one to appreciate one's own language and one's own background.

I see it also as a means of involving Hispanic parents and teachers in the educational process. They have been dealt out of the process in the past. I do not see a conflict between school integration and bilingual education. I do not even see a conflict in the dispersion tactic that we use in this sense. As I explained to my students after they had convinced me that they ought to have a bilingual education school—and we are only talking about eight teachers in Buffalo—bilingual education ought to be a requirement for a bilingual education child in the area of equal education opportunity.

If that is true, it ought to be his right to have it, no matter what school he is in, and the school district ought to be asked to provide those services. Granted, if you only have one bilingual education kid in a school, you may ask the kid, would you like to transfer to a bilingual education program.

I made the argument that even if you want to argue that there ought to be bilingual education teachers in every school, there are 80 schools in Buffalo, I said, "Let's make the pitch that we want at least one bilingual education person, a Hispanic person in each school, and let's bring in 80 teachers, and not just confine Hispanic teachers to the eight teachers teaching in the bilingual education school." Being a teacher of the politics of education, I have to get into the political area, the political scene.

I haven't heard here today that it is important for all youngsters to have bilingual education, Hispanic teachers. I think bicultural/bilingual education is a two-way street. In order to get other people to have an appreciation of Hispanic culture and Hispanic life styles, we also ought to have Hispanic teachers teaching non-Hispanic students. I heard the attorney talk about Hispanic counselors. We run into the problem of whether or not Hispanic students ought to seek out just Hispanic counselors or seek out other kinds of counseling, or have Hispanic counselors counseling all the students at random. That is one of the kinds of problems I have.

I think one of the problems is that we need more Hispanics doing the hard research. Who does the research in this country? Chances are it will be professors from the major elite universities. No matter who puts up the money, no matter where it takes place, those are the people who are going to do the research. NIE may do the funding but it is stipulated that NIE must have competitive bidding. Those are the people who are going to define you. As Lorenza Schmidt from California said, "Either define or be defined."

I think that if NIE is going to do that, we can bring some political pressure on NIE to involve more Hispanics on the research team. I don't think it is going to be completely possible right now to move those research units to be either Black or Hispanic or any other minority group. You are talking about big money and you are talking about power, and I think you are going to need to fight a little harder to get that.

Lau was a very tenuous decision to rest bilingual education on, because it depends on Title VI of the 1964 Civil Rights Act. Title VI did not outlaw discrimination. Let's get that clear. Title VI merely says you cannot use government money if you are going to discriminate.

We ran into that problem in Buffalo. Buffalo just gave the money back. It was $1.5 million. You mentioned Emergency School Aid Act (ESAA) grants. They just gave $1.5 million back, and said, "We don't want integration." If that is the basis on which the Supreme Court based its decision, you will not have bilingual education if the district wants to give the money back. They don't want it. They said, "We don't want Title VII money." "We don't want Title I money." "We don't want ESAA money." Now, what are we going to do?

I think that you will have to look a little further at that to get a legal basis on which to have some firm ground.

The question is, how do you get quality teachers on a long-term basis to work in Federally funded programs?

In the school integration cases, I think members of the Hispanic community ought to get involved very early. In Buffalo we used the *Keyes* decision by saying that if a school was all Hispanic and all Black, it wasn't integrated. That Hispanics were to be treated as minorities. The other argument was that by and large we are talking about two groups that are on the bottom end of the socio-economic status. So, if you consider integration at all, you would be integrating poor people with poor people, regardless of ethnicity, regardless of race, regardless of color.

We made that argument. It might not have been the right one, but we made it.

Another thing about research that I think is crucial, is whether or not to consider bilingual education as compensatory. If you do not, then they get into the significant difference test, the balance of variance test, in which you are almost a loser from the beginning because you are not likely to show any significant difference between Program A and Program B.

Although a youngster is not in a bilingual education program I assume he learns something. If you compare a youngster in a bilingual education program with a youngster in a non-bilingual education program, in the non-bilingual education program for bilingual youngsters, he learns six points, maybe eight points. In the bilingual education program he picks up two additional points. On a significant difference scale, they would say there is no significant difference.

One final point on the definition of Hispanics. When you go into court, you have to argue with the defendants. When I got on the stand to argue for bilingual education programs, the defendant, the school district, asked me, "Well, Dr. Brown, you just argued that for four years we have been talking about integration, and now you are talking about segregating Hispanics."

Well, I had to fumble for a few minutes to get an answer, but I came up with an answer. Luckily, the attorney for Aspira and I had gotten the thing together, so we got out of that one. I think in the case of Los Angeles, where the Los Angeles school district wanted to identify Hispanics as white in order to keep the Hispanic and Black schools together, they argued that the Hispanics are not minorities. You have to have a stronger game plan than we had in Buffalo, because Buffalo has a small percentage of Hispanics. They are no threat to the system, but in New York City, Dallas, Texas, and Los Angeles, you have got to have a much more sophisticated game plan together. You've got to start operating at least four years before you start arguing for a remedy. If you wait, you are out of the ball game.

Synthesis of Floor Discussion and Issues

The first issue that arose from the floor, voiced by a participant from Texas, concerned how to prevent the diffusion of funding sources for bilingual education programs that have already been in operation when a desegregation plan is put into effect. Mr. Roos responded that the best thing to do is to plan the dispersal of children in a desegregation plan such that the school does not lose its obligation to provide full-scale bilingual education. He pointed out that the obligation exists wherever there is a significant number of Hispanic students, and it doesn't require a 90 percent Hispanic school or a 40 percent Hispanic school to be significant. All that is necessary are 15 or 20 children who are limited English-speaking, under such a desegregation plan. Mr. Roos went on to state that what we have to realize is that desegregation is really not a suit for quality education, as such. It is a suit to integrate schools because segregation is unconstitutional. Given those narrow parameters of desegregation litigation, opportunities for delving into quality issues are somewhat limited. He continued: "I would also indicate that the courts are very reluctant to delve into quality issues, and I would indicate that part of that reason is because even among the people here we don't know exactly what constitutes quality."

A second issue, which dealt with the presentation of the cases in court, was brought up by a participant from New York City. It was pointed out that the educational concerns of desegregation proponents are not necessarily at odds with the educational concerns of the proponents of bilingual education, and it was felt that it was the court that created the conflict between the two. Mr. Roos, in his answer, pointed out the problem is not how to present the cases, but rather that the wrong forum is being used. He explained that the courts are not equipped to do the sort of full development of curriculum and monitoring of efforts that is needed to carry forth the goals of the litigation. An alternative forum would be preferable.

A third issue, which concerned eligibility requirements for ESAA funds, was voiced by a participant from Washington, D.C. Mr. Roos first pointed out that ESAA was an act designed to facilitate districts undergoing desegregation. During the course of the last eight years of Republican Administration the ESAA funds were allowed to go to districts which were doing things such as providing bilingual education in which there was nothing that anyone could construe as desegregation taking place. In the last days of the Ford Administration, there was a reinterpretation of a memorandum that had been used to justify funding of these programs without any movement of children. It said that there had to be something that resembled desegregation in a school district in order to allow continued funding under ESAA.

A fourth issue, brought up by the same person, concerned groupings. To this Mr. Roos explained that ESAA regulations prohibit the placement of children into a track, or classifying children for more than 25 percent of the day unless there are certain educational justifications. This also means that you cannot use English language tests to classify Hispanics into certain tracks. However, he pointed out that these regulations meant misclassification of Hispanic children into lower tracks on the basis of linguistic skills. They were not designed to prohibit grouping for bilingual education.

A fifth issue that was discussed, that of the quality of teachers, was brought up by another participant from New York City. It was pointed out that there is an availability of good Hispanic teachers from any number of countries that are represented in the Hispanic population. This person also brought out the problem of dealing with unions in order to get the kind of bilingual education teachers necessary. It was also pointed out that the new teachers are sometimes better teachers for many reasons other than their ability to implement certain approaches with certain methodology, but unfortunately are the first to be fired or move on to better teaching positions when possible.

A sixth issue that was raised by a participant from New York State, concerned the observation that integration can be used "for or against you." Once again, much care must be taken in dealing with the union and whatever service they appear to be giving.

SESSION IV:

Topic: What are the perceived barriers and particular problems and needs of students whose background is Hispanic in the desegregation process?

Presenter: Mr. Alfredo Mathew, Jr.

Moderator: Ms. Egla Rangel

Discussants: Mr. Javier Bray
Dr. Francisco García
Dr. Gary Orfield
Dr. Bertha Pérez

Introduction of Discussants by Ms. Egla Rangel

MS. RANGEL: Javier Bray is the chairperson of the Spanish American League Against Discrimination, SALAD, of Miami, Florida.

Francisco García, Director for Bilingual Education, Lau Center, at Northwest Regional Lab in Portland, Oregon, Dr. Bertha Pérez, Assistant Professor in Early Childhood Education, Bilingual Education at the University of Texas in El Paso, and Gary Orfield, Professor of political science, University of Illinois, Urbana.

One thing I would like to point out, when we were planning all of this, we agreed the discussants do not have to agree with the paper that the presenter presented. They are going to give their point of view from their own perspective.

Mr. Alfredo Mathew, Jr.

I wish to start by acknowledging what, by now, must be fairly obvious to all, that there is a dismal paucity of research and hard evidence when it comes to dealing with Hispanics and the desegregation process. Hispanics it would seem have almost by default been included in the overall desegregation movement since the 1960's, but there is little to document either the philosophical underpinnings or the actual behavior of Hispanics with respect to desegregation. NIE is to be commended for addressing this problem through the mechanism of this conference. It is to be hoped that this stimulus will result in appropriate research to buttress our understanding of the Hispanic perspective (or perspectives) toward desegregation/integration.

The term Hispanic itself, although it appears to be in vogue, merits some attention. In the southwest and west, I am sure that the term "Hispanic" can be used interchangeably with the term "chicano" or Mexican-American. Likewise, in the northeast, the term Hispanic can by and large be used alternatively with the term "Puerto Rican." However, it is important that we as educators concerned with the development and implementation of desegregation programs be sensitive to the distinctions that may exist between and among the Hispanic communities and learn to deal with the complexity of nuances incorporated in a term as comprehensive and imprecise as "Hispanic." In the New York area the term Hispanic can include, in addition to Puerto Ricans, a variety of South Americans, from Colombians to Argentinians, Central Americans, peoples from other Spanish-speaking islands in the Caribbean, such as Cuba and the Dominican Republic, as well as Spaniards from Spain, and Spanish-surnamed people from the Philippines and other parts of the world. In reality, in New York City the highest concentration of Hispanics in descending order would be Puerto Ricans, Cubans, Dominicans, and then other Latin Americans.

One could argue that to use the term Hispanic is to foster the illusion of a monolithic, single-minded group when, in reality, Hispanic views on desegregation can be widely different from group to group and within any one group so as not to be easily characterized.

It is also possible that views on integration will be affected by socioeconomic class—so that upwardly mobile Puerto Ricans or Cubans who may have achieved middle-class status no longer see the need for militancy in pursuing school integration if they have already achieved integrated housing. Of course, the racial and color differences within the Hispanic community also affect views on desegregation/integration. Lighter skinned or white Puerto Ricans or Cubans or Latin Americans may be more prone to gain acceptance in the larger society and may not feel the need to seek involuntary, government sponsored integration experiences. The problem is even more complicated in many Puerto Rican families where the natural integration of the Island culture has resulted in families that resemble the rainbow—from very dark to very light.

My remarks, for the sake of convenience, shall assume that these distinctions are understood.

Joseph Monserrat, in the early 1960's, wrote an article which was published in a New York City Board of Education publication entitled *Puerto Rican Profiles,* which eloquently expressed the reservations of Puerto Ricans toward integration. Mr. Monserrat entitled his article "School Integration—A Puerto Rican View." His main points, paraphrased, were that Puerto Ricans did not and could not perceive themselves as a minority group because the term was alien to them and that Puerto Ricans, although the victims of discrimination on the mainland, would not eagerly subscribe to integration programs that would require that they leave their barrios or neighborhoods. Mr. Monserrat was then serving as the Director of the Mainland Office of the Commonwealth, Migration Division, Department of Labor, Government of Puerto Rico. As you know, he subsequently was named to the Central Board of Education and served for four years in that capacity. I was hoping that he would be present today so that we could together assess the Puerto Rican perspective on desegregation/integration as we approach the 1980's.

It seems to me, from my vantage point as an educator of Puerto Rican background, with field experience at all levels, but most recently as a school principal, community superintendent, and city-wide administrator responsible for zoning and integration programs, that Mr. Monserrat's diagnosis and prognosis was correct. There has not been and there is no outcry for school integration on the part of Puerto Ricans.

When the school integration boycotts took place in the early 1960's with thousands of students being kept home there was some Puerto Rican participation but there was very little Puerto Rican leadership. Puerto Rican parents have generally refrained from coalescing behind a political movement to solve their educational problems.

The riots of the mid 60's in East Harlem and other Puerto Rican areas of the city were more an economic statement than they were a political statement. The mounting disaffection with poor schooling, rundown housing and inadequate job opportunities simply burst forth in a dramatic explosion of anger and frustration but without political direction. Although the riots were a complaint against the miseries of ghetto life, nowhere was there a call for integration.

The advent of the Young Lords in the late 1960's was an interesting phenomenom because in many ways it paralleled the separatist thrust of the Black Panthers and Muslims. The militancy of the Young Lords was characterized by assaults on the institutions that served Puerto Ricans, not so much with the objectives of integration but for self-determination. It also reflected in many ways the nationalist, independentista movement on the island which emphasized self-help, separatism, anti-colonialism and pride. In short, Puerto Rican Power.

Puerto Ricans suffer from the same ambivalence toward integration that afflicts Blacks. While on the one hand, we can accept intellectually the need to improve educational opportunity by breaking out of the ghetto and joining the mainstream—which would be the effect of integration—we also are wary of the loss of power—political and economic—that would result from a diffusion of the Puerto Rican community. This dilemma faces us constantly as individuals and as a collective community. A case in point is the bilingual movement. While bilingualism, from a political point of view, is meant to foster the Puerto Rican/Hispanic identity and consequently encourages concentrations of Hispanics to stay together and not be integrated, one also has to be wary that it not become so insular and in-grown that it fosters a type of apartheid that will generate animosities with other groups, such as Blacks, in the competition for scarce resources, and further alienate the Hispanic from the larger society. The broadening of the bilingual movement beyond Spanish to include Italian, Greek, French (Haitian) has lessened the potential friction of an exclusively Hispanic movement. Multi-culturalism has softened the inherent potential separatism of bilingualism.

Another example of the overall Puerto Rican view can be gleaned from the energetic efforts of the residents of El Barrio in East Harlem to rebuild their community by fostering a strong Puerto Rican identification. This effort has been reflected in the campaigns for the school board and, even prior to decentralization, to the very creation of an East Harlem school district that would be Spanish, in distinction to the Harlem district to the north that was to be Black dominated. The experience with a new school which opened in the late 1960's, I.S. 29 Manhattan, poignantly tells the story of integration in New York City. I.S 29 was deliberately located and built in another district in an area south of East Harlem, along Park Avenue in the low 90's, in the hope that it would draw from the white population of the East Side and provide a good mix with the predominantly Puerto Rican youngsters coming from East Harlem. To make a long story short—the school never received any white youngsters; it quickly became a segregated facility entirely populated by the East Harlem community. District 4 in East Harlem, disenchanted with the idea of losing its kids to another district, without any prospects for integration, demanded that its pupils be returned to East Harlem. The pupils eventually had to be returned to East Harlem and I.S. 29, still a beautiful plant, became an empty shell.

Given the grim reality of little or no opportunity for integration, as in the case of I.S. 29, Puerto Ricans, like Blacks, have chosen to stay in their own neighborhood schools.

Still another example of the so-called Puerto Rican view can be distilled from the experience of the South Bronx community—which again is almost entirely minority—which means of course Blacks and Puerto Ricans. District 7 has a majority of Puerto Ricans who together with Blacks comprise 99% of the school population. Traditionally, the ethnic movement in the Bronx has been from the south to the north—with the economic index showing the same thrust. In order to promote integration, the Board of Education elected to build high schools in the more affluent and whiter northern areas. Under an open admissions program, minority students from the South Bronx have been able to by-pass their local high schools, and gain admission to high schools in the north. With the growing minority population in the Bronx, the available seats under the Open Admissions program have been reduced and the competition for the remaining spaces has intensified. District 7, for the past few years, has aggressively sought more opportunities for its middle school graduates in the northern schools despite great hardships in transportation and nasty confrontations from time to time with angry whites. Last year, however, a very interesting turn of events took place. District 7 first requested that it be allowed to retain some of its ninth graders rather than send them to high schools that were increasingly becoming racially imbalanced. Then the District took the initiative in obtaining monies to revive a project for a South Bronx High School, entirely within its borders and certain to be predominantly minority. The representatives who are present here from District 7 can best describe their motivations for doing this but it would seem that this is an eloquent example of the disenchantment that exists with integration—when the opportunities are diminishing and the burdens of transportation and confrontation are placed on the minority population exclusively.

In District 24, in Queens, we have an example of a predominantly Cuban and South American Hispanic community also becoming disenchanted with the burdens of integration and electing to remain together, as a unit, rather than lose its identity and bilingual programs. The parents of some 300 first graders have elected to have their children bused a good distance away from their overcrowded home school because they will be able to return to the neighborhood school which is predominately minority in terms of government classifications.

An example which shows a contrary trend, which we cannot explain, is the apparent increasing participation in the Free Choice Open Enrollment Program which has been offered to elementary and middle school youngsters in New York City for more than 15 years. Statistics since 1968 show a steady increase in participation by Hispanics from 7% in 1968 to 16% in 1976. While the overall total of youngsters participating in the program has decreased, the percentage increase by Hispanics is significant. Of course the program is optional and depends on individual choices exercised by parents. While it may be tempting to theorize that second and third generation Hispanics may be more eager for integration, it may very well be that socio-economic class aspirations are a factor. In any case, the documentation does not exist and we should be cautious about drawing conclusions on such skimpy data.

I believe that I can summarize by saying that the barriers and problems perceived or not perceived by Hispanic students must be seen in the broader contexts of the community struggles for survival and self-determination. Individual students and parents in any one of the examples I've cited may have widely different views or even no views but the social environment in which they live naturally will influence how large numbers will behave. Ideally, if opportunities for desegregation/integration existed, Hispanic students, despite the cultural and language barriers I've alluded to, would want the same things that other students would want—a sense of security, a feeling of belonging, a sense of self-worth, nurtured by the warmth and encouragement of a skilled and sensitive staff. Hispanic students, no more than anyone else, do not want to carry the stigma of inferiority often attached to ghetto schools, albeit unfairly, but nevertheless part of their reality. If they venture forward from the ghetto they do not want to be lonely pioneers and, sometimes, targets. Students and parents alike when asked, "What do you want?" have answered, "A good education, a fair chance, the training that will enable me to get a good job."

I don't think that it is necessary for me to describe the obvious ingredients of an effective desegregation process—in terms of careful and sensitive planning prior to implementation—in the face of the shrinking opportunities for desegregation for Hispanics, particularly in the large urban centers.

In closing, I call your attention to a presentation entitled *Educational Redlining* by Chancellor Irvi g Anker, of the New York City Public Schools, before the Council of the Great City Schools, Spring 1976 Conference, wherein he documented the vanishing opportunities for true desegregation and integration, I quote:

> The combination of municipal and educational overburden has had a catastrophic impact on the educational systems of the large cities. As the cities become poorer, their needs become greater: the demands upon the schools for vital services increase, while the capability to meet these demands declines. The result—a steadily rising rush to abandon the cities for the safer, richer, middle class suburbs, leaving the desolation of the inner urban areas to the minority poor, who become more isolated and more polarized as the process moves relentlessly toward total abandonment of the inner cities.
>
> The city schools are becoming increasingly segregated because the *cities* are becoming increasingly segregated, and neither hot rhetoric nor high-handed directives nor well intentioned court decisions, will become the touchstones for desegregation in the schools or in the society, unless the population mix makes desegregation feasible. A vicious cycle has become a self-fulfilling prophecy. The middle class, both white and minority, abandon the city. Businesses take off because, they say, their cadre of middle-management personnel can't cope with the problems of the city and is discouraged by developments in the public schools; jobs disappear (500,000 in New York City alone, since 1969); the demand for city services rises; welfare costs soar; the tax base declines; funding for essential services, health, safety, education, especially education, shrinks.

Lamentably, this conference is addressing the issue more than 20 years after the Brown decision, when initiatives toward positive school integration are barely available.

Edited Transcription of Discussants' Comments

MR. BRAY: Let me just add to the introduction that my interest in education stems from two factors. I have been working as a trainer and as an educator. I think one of the major barriers is the lack of practical information we are getting from the research. Let me show you the results of the kind of research that we have been talking about. The drop-out rate of the Hispanic students is a shame of this nation, mainly because we are destroying human resources. We are more interested in mineral resources than human resources. Those are the statistics that ought to be published. In a map of Dade County, Greater Miami, you can see the areas with schools with the highest concentration of needy children, under the classification of low income and in need of the free and reduced price lunches during the school year. You can do this with any American city. You can do this anywhere around and you will find ghettoization. What are we going to do about breaking this vicious circle? That is what we really have to do. That is what desegregation is all about. It is not only the mixing of the colors. I think what we really have to do is to open up the avenues of opportunities to share the values and motivation and achievement with the rest of the students.

It so happens that the needy children on the map, so neatly sketched out like a prison, are 91 percent minority. The farce or the joke about desegregation is, and it has been said here by the gentleman from Buffalo, that it is shifting children from one poverty area to another. It is placing minority children in a situation where they learn from the disadvantage of other minority children. This system is suffocating those who are the eternally disadvantaged. The only way that they can take political action is by exploding and by burning, and that is a harsh reality.

We were talking about how we are going to present ourselves to the courts as Hispanics, and it becomes another bureaucratic entanglement. We are minorities, and we have no political power and influence at work.

Yes, this is a very competitive society, and unfortunately in this kind of educational system, those who are entrapped are the disadvantaged of the system.

I think the question that we should be asking ourselves, is, education for what—to fit neatly into this network of a system that is neither generous, nor just, nor cooperative, nor consistent with the rhetoric, the basic principles, the basic tenets of equal opportunity that this country professes?

I think that is a failure that we share with everyone else. We are given the burden of having to produce the evidence and documentation. In doing research, in determining who the economically needy are, where they are, I think that the Federal Government should at least require that the school systems receiving any kind of money have this kind of information. It can be very easily put in a computer terminal.

If the burden of producing the documentation is entirely upon us, how in the world are we going to get the wherewithal to obtain that information? In researching this kind of thing in the state of Florida, I found one area that has all this information neatly sketched out in computer printout, in which you can really see what is happening.

It is not just research we need, it is producing the information, and under the Sunshine law approach, opening the information to the public to use in their self-interest.

DR. PEREZ: I would like to respond to Mr. Mathew's paper. He made some very good comments about what students want in terms of education. "We want a good education, the education that will provide us the skills that we need to make it in this society." I understand the problems of some of the urban areas, and the fact that desegregation means desegregating with people in the same economic background that you are in. There are still some schools in some areas in Texas, for example, where the public schools that are desegregated are all Chicano schools that are very poor, and there are some Anglo schools that are very rich. So, this is still a problem with which we have to deal.

The issue is one of finding the best institution where our students, our children, can get an equal educational opportunity. As I have listened to the talks of the last day and to the papers presented, I have identified just a few issues. I am going to make this very brief and to the point. I still see some issues that we must address either through political action or litigation, but there is very little hope for that.

The main issue is one of change. How do institutions change? They are not going to bring about change on their own. So, how do we effect a change? There was some concern about going through the court systems, because this involves taking chances, and then ending up with regulations and rulings and remedies that might be harder to live with than the original situation. Another alternative that people have talked about is political action. How do we organize for that political action?

When we do organize, or when we do win the cases, what does that mean to us for the education of our children? Will desegregation necessarily be dichotomized with instruction in the child's language? That is an issue that can either be researched or lobbied, but there ought to be solutions. There ought to be alternatives. If we must integrate for economic reasons, for the sake of getting the name of that better school on a student's transcript to enable him to get into the better schools and go on, will it mean that he will have to necessarily give up instruction in his own language? No, and we can figure out ways to deal with that. We must look for alternatives in that area.

In this morning's session someone was talking about taking care of business, and his answer to taking care of business was instruction in English for survival purposes. If we look at the population trends of the next quarter-decade, or decades, or quarter-centuries, or centuries, does it necessarily mean instruction in English even in the U.S.?

Another issue is one of value. We develop those skills that we value or that are valued in our culture, in our society. If we are to develop programs in valuable education and our children are to develop competency in both languages, then we must somehow develop support for the value of speaking more than one language. It must become an enrichment program rather than a compensatory program because compensatory means there are deficiencies, and there is something lacking. There is no value there. There must be a value attached to a bilingual program.

The last issue that I will mention, that has been addressed here several times, is the issue of the actual instruction of the child. We can have court actions, we can have remedies, we can have school plans, we can have task curricula, but will the child receive the kind of instruction that will develop the competent human being that we are seeking?

I think the link for that is the teacher. We can develop all sorts of school plans. We can develop a curriculum, win cases in court, get laws passed. But we need to address the issue of the teachers, the teacher training, the teacher interactions in the classroom, and effectiveness of teachers. We need to do some basic gathering of information, whether it is research on the empirical base or whether it is just finding out what the teachers do that is effective. We need that kind of information, and then we need to assure that our students have the kinds of teachers that will make a difference.

DR. ORFIELD: I have come to the study of this issue not from a study of issues within the Hispanic community, but from a study of school integration. Starting from there, I have come up with perspectives somewhat different than those I heard earlier today.

There are many school integration cases in courts around the country and particularly west of the Mississippi. Often the Hispanic population is the largest minority group that is involved in these cases; therefore there are urgently raised issues in these cities about what the relationship is between desegregation and bilingualism. In many cases I have tried to follow the issues. One group or another has come forth and said, "We don't want to be desegregated. We have a bilingual program, and it is working fine, and we should be exempt."

I am not talking now about cities like New York, where there is no feasible desegregation plan within the city boundaries, and nobody really knows what can be done on a metropolitan basis. I am talking about many other cities in the country where there are real choices about what ought to be done.

I have been looking as hard as I could at the claims that bilingual education should be given preference or used as a justification for segregation, and the harder I have looked, the less I have found. I haven't really found any evidence to suggest that segregated bilingualism works very well, or even that it works at all, in terms of achievement in reading and achievement in English vocabulary and so forth. When you really begin to think about it, when it is operated on a segregated basis, it really isn't bilingualism, it is monolingualism. It is like learning French out in the prairie some place. You don't have anybody to use the language with normally, to interact with.

There are many complicated research issues that I have come across, and the thing that has appalled me the most, I think, and the reason I am glad that NIE is having this conference, is that the research on all sides is so thin and of such poor quality that you can only suggest issues. You really can't say much very definite about them. It is not at all clear to me, for example, that the movement within the bilingual education community to define language as the basic issue of Hispanic children's education is appropriate or proper.

In other words, every bit of statistics I have seen from school districts shows that most children can function in a normal English classroom. Of course, there is a group of students that has very special needs that have to be addressed, but even in the bilingual programs as they are now being operated, the people who are operating them estimate that the great majority of the children enrolled could function in a regular classroom.

That raises a real issue of about why they should be kept in highly segregated bilingual classrooms which tend to have only about 10 percent Anglo students in them, on the average. Is there an educational gain that justifies it? I have not seen it. Perhaps there is. It has not been measured yet, as far as I can see, and there is some evidence that there may be some educational harm from that program. If you have choices, should that be your choice? Well, I can't say with any certainty, but I don't see anybody who can say that it should be with any certainty, either.

What does the Hispanic community want? We don't have very many good public opinion polls of the mass of people in the Hispanic community. I just saw one that had been done in the last few weeks in Los Angeles, where a very major school case is pending. It shows very strong support for integration in the Hispanic community, about 70 percent for integrated education as a value among Hispanic parents, and much less support for busing, about 44 percent.

It seems to me that it is not at all clear what direction the community is going in. There is no monolithic point of view. There seems to be a lot of internal division on policy. Should we have programs like the New York City Aspira Court Order so we could channel students into classes on the basis of test scores outside the normal curriculum? Or should parents, as Colorado law requires, be required to sign in writing before students are assigned to a separate curriculum?

That raises a very interesting issue that I would like to bring before the group. It seems to me that the second policy alternative is the preferred one, and more supportive of integration. Certainly, children should not be put in a segregated curriculum that doesn't have a proven educational advantage for them without the consent of their parents. I think that it is significant that in the last eight years, HEW has moved to push on issues of language and culture, and has not moved to do anything about desegregation.

Now, I think that that has received a very warm response in many communities from both the majority community and the minority community. Whether or not it is a good policy, whether it will lead us to a new form of dual school system where we have three levels of segregation in our cities, is a question that I think really ought to preoccupy us.

Right now, the most recent statistics show Hispanic children are more likely to be in segregated classrooms than Black children, and their segregation is getting worse while Black children's segregation is getting somewhat better. The most intense segregation of all is in the northeast, the same place that is shown in the National Assessment Study to have the lowest educational achievement scores.

I think that one of the reasons I have become interested in the bilingualism movement and the way it crosses the desegregation issue is that it seems to break up coalitions of minority people in city after city. I am wondering whether it is an issue that makes enough educational sense, or is really insoluble within the context of desegregation, that it should be allowed to break up those coalitions. We now have in Chicago combined Black and Hispanic enrollment of three-quarters of the students; in Los Angeles about two-thirds, and so forth.

As long as these groups who now make up the majority of the city's school system are turned against each other and pursuing separate strategies, they can't be very effective. I am wondering whether or not there has been a needless division, and groups are being played off against each other, and whether there aren't ways to accommodate the desire for bilingualism and the desire for integration effectively in the same plan.

I think that there are. In fact, I think we might be able to accommodate it more effectively.

Another thought that I have had in looking through this literature is, what about the bicultural aspect of bilingual/bicultural programs? Can you really have a bicultural program in a monocultural setting? Can you really deal with stereotypes in the society when you are only teaching the cultural contribution to Hispanic children and you are not teaching it to the dominant group in the society that is oppressing Hispanic people? It seems to me there is a real argument to be made that it would be much more beneficial for this community and for the other communities involved to have a bicultural or tricultural program in an integrated setting rather than a segregated one.

Well, these are issues that I am raising. I am not giving you answers. I am just giving you my hunches at this time. I think that there are absolutely top priority issues for research, and it is a shame that there has not been much to show us either how to handle integration very well for the Hispanic children or how to handle the complicated relationship between bilingual/bicultural programs and the desegregation process. I certainly would enthusiastically support a real, i.e., financial commitment in this direction.

DR. GARCIA: I will keep my points pretty much to the presentation that Mr. Mathew made.

First of all, in regard to research, I have heard nothing other than that there is very little research, that it is not being done, and so forth. But, I am sure there is some research out there. I am sure some has been done.

One of the reasons may be that because your name is Gomez, or Garcia or Perez, this might keep you from having your research published. Another reason is the hard core qualifications required to make research acceptable, and therefore known. I am sure there are teachers, practitioners out in the field, who have done some.

We have talked about desegregation/integration here. Do we all know what it means? A definition of terms of who it involves, has not been given. If you don't know what desegregation/integration is, then how do you develop a plan? Maybe what is needed are guidelines on what it should be, with input on the definition as to what it is, to be established by the community level people. This way we can best meet the needs within each community.

There was talk about economic and political statements. Do we need to separate individual civil rights and group assets to social and economic opportunities and focus on a more formalized type of education for the benefit of the children we need to address? By so doing, we can begin to talk about education per se, and not necessarily buses and buildings and this color versus that color. For example, statements in regard to breaking out of the ghetto or barrio might create the joining of the mainstream of society. I do not see it as such. At the same time, breaking out of the barrios or the ghettos does not ensure improved educational opportunity.

We talk about political and economic power. Do Hispanics really have this power? If not, who does? There has been talk about the identity crisis, the Puerto Rican power, the Chicano power. In reality the identity, the self-concept, although it has been successful, has not been very successful in helping produce those graduates we are looking for. Educationally, it has failed in that sense. Does desegregation/integration aid there?

I prefer to say that we integrate education, not students; that we work with the heads and the hearts, and hopefully desegregate minds; and not deal with buses and buildings.

This brings me back to the point that there has been quite a bit of talk about bilingual education. Do we really know what bilingual education or bilingualism refers to? Let me address each one briefly.

Bilingualism, acquired or innate, is the individual or collective ability to express a social consciousness through either language medium. Bilingual education, on the other hand, refers exclusively to Federal legislation or court mandates intended to provide sound education for limited English speakers and contribute to their achievement levels.

Somewhere along the line, those distinctions are going to have to become clearer as to what bilingualism is versus bilingual education, especially in the integration and desegregation process. I wonder sometimes if we are in such a state of confusion that we really don't know what our direction is. I wonder if this is especially true for the community.

Integration of education means a total involvement in an educational program, involvement of community, involvement of school system, involvement of educators, involvement of people like the people in NIE. These involvements do not take place just simply in the big cities. They also take place in the rural areas.

We need to begin to talk about education per se, and not necessarily the other things that are being discussed. So, to be quite brief, I would like to conclude that educational programs dictated by HEW or any other Federal agency deal, not necessarily with the learning process per se, but with the complex interaction between education and civil rights. I am a firm believer that we need both, but where are we going to put our marbles at this stage? In the education of our children, in the civil rights of our children? We need some type of guidance here and that guidance should come from people like yourselves.

Synthesis of Floor Discussion and Issues

The first issue, raised by a participant from New York City, was that segregation is not necessarily a result of bilingual education, but rather may be a result of abandonment of cities, particularly in the northeast, by the white middle class. In fact, the bilingual education factor could only be less than one percent of any kind of multiple factor.

A second issue, questioning whether a segregated bilingual education program could in reality be bilingual, and whether this type of educational program could be beneficial, was raised by Dr. Orfield. He maintained that a bilingual education program in a segregated atmosphere may in fact be hurting the children's ability to function in the English-speaking economy.

A third issue, the relevancy of the research, how it is executed, and by whom, was raised by a participant from New York City. Dr. Orfield responded that his comments are based on survey research. The need for research by representatives of the research group with the ability to communicate in the group's language was stressed.

A fourth issue, raised by a participant from California, concerned the need of clear objectives and broad coalitions in order to get systematic change on a large scale.

A fifth issue, focusing on the need for information concerning the degree of English language skill necessary to succeed in school, was voiced by a participant from Texas. It was pointed out that this information does not appear to exist, and it was agreed that there is a need to define sufficient language skills as well as develop criteria for identifying those skills among both English speakers and those for whom a language other than English is their first or native language.

A sixth issue concerning the value of bilingual education as compared to other forms of education, was raised by a participant from Boston, Massachusetts. There appeared to be a misunderstanding as to whether Dr. Orfield considered bilingual education inferior. Dr. Orfield explained that he did not consider bilingual education inferior, but rather questioned its merits when it is practiced in an isolated atmosphere.

A seventh issue raised by the same person from Boston, concerned whether or not desegregation based on research and proven data for Blacks and other people with "language difficulty" has done anything to improve educational outcomes. In his response, Dr. Orfield stated that the research shows that integration does not hurt children. He pointed out that a way should be found to produce a class in a school setting where both cultures or all three cultures are represented, and where children are taught in a way that respects them. It is also important that groups of children get a chance to learn a language in a setting where there is constant interchange with students who speak the language every day and always in their home.

An eighth issue was raised by a participant from California, which concerned the difficulty in assuring credibility of desegregation and bilingual education research, so that appropriate decisions can be made. In his response, Dr. Orfield restated his belief that the only way to get systematic change on a large scale is to have clear objectives and a broad coalition. The absence of either of these elements, he emphasized, is what worries him most about the divisions he sees between Blacks and Hispanics in our cities.

SESSION V:

Topic: Case studies of selected areas

Moderator: Dr. Evelina Antonetty

Discussants: Ms. Carmen Arroyo, New York
Dr. Federico Peña, Esq., Colorado
Dr. Rosa Feinberg, Florida
Mr. Mariano Vega, New Jersey
Mrs. Amparo Jiminez, Wisconsin
Dr. Anthony Vega, California

Synthesis of Case Studies

Ms. Carmen Arroyo spoke about her experiences as a Puerto Rican mother in New York City. She came from Puerto Rico with seven children ranging in age from two to twelve. Five of her children had begun school in Puerto Rico, where she said: "Teachers are teachers." The first thing her children experienced upon entering school in New York was being placed one grade back because they were unable to speak English.

Her second daughter had a rather sad experience at school on her second day. Owing to a misunderstanding of customs, (the child had not looked at the teacher when spoken to) she was slapped on the face for what appeared to the teacher to be a lack of respect.

As a result of this incident, Ms. Arroyo was angered and decided to become active in school affairs. She began by becoming a community worker, helping other people like herself to solve the problems that they had in their dealings with the school. She ran for the Community School Board in District Seven, and has served there for the last four years as its chairperson.

Through her work in the Community School Board, she and the other members have been able to have a hand in the education of their children. They have worked for bilingual education, have helped in writing the programs to be used, have stipulated that only Hispanics or best qualified bilingual teachers can teach in them, and they have dealt extensively with the powerful United Federation of Teachers.

Mr. Federico Peña spoke from the perspective of his work with the Chicano Education Project in Denver, Colorado. He began by explaining that they have about a 20 percent Chicano population in Colorado, and that a history of bilingual communication dates back to 1876, when the state entered the United States. At that time, the Constitutional Convention placed a 20 year moratorium on all statutes being printed in English, causing all such documents to be printed in both English and Spanish. Despite this background, in recent years they have had a major struggle in the area of bilingual/bicultural education.

In 1975, they were able to have a bilingual education statute passed only after much political struggle. However, shortly thereafter, the Republican party took over control of both Houses in the Colorado state legislature. As a result they now have a transitional bilingual education program where they had an enrichment program. A one-hour pull-out program was instituted for Chicano children. This was in violation of the 1964 Civil Rights Act, and in fact, OCR investigated the situation and found that the program was in violation of Title VI as it segregated Chicano children.

Mr. Peña elaborated on the *Keyes* case in Denver, where the Congress of Hispanic Educators (CHE) intervened after the case came back from the Supreme Court. What resulted from the *Keyes* case was the bilingual/bicultural remedy, which was only a part of the total Cárdenas plan. The Cárdenas plan was not included by the court because it was more inclusive than the school system could manage and would be unwieldy to monitor.

Mr. Peña concluded by adding that most of the rural Chicano population in Colorado want to have their children taught in an integrated setting which is also bilingual. They do not want the bilingual program diluted.

Dr. Rosa Castro Feinberg cited two cases, one in Miami, Florida, and the other in Wilmington, Delaware. She shared the two examples in order to underscore her belief that what is required is not only models of bilingual education, but also typologies of desegregation settings within which the concerns of Hispanics would be catalogued.

In Dade County, Miami, Florida, two types of students are recognized, Black and white. Hispanics are not recognized as a separate minority group. Therefore, implementation of the *Lau* plan means isolation of Black students and the isolation of the linguistic minority students who are classified as white. As a result, the linguistic minority student is denied the possibility of interacting with English-speaking students, and the Black student is denied the possibility of interacting with a group of another race.

In Wilmington, Delaware, the population is faced with a possible metropolitan desegregation plan in September in which the school children from inner city Wilmington will be exchanged with students from the suburban areas. As a result, the residents have taken certain steps to protect a bilingual program that has been in operation in the city of Wilmington for about four or five years. The Hispanic intervenors have worked closely with the counsel for the Black students and their parents. They have adopted rather stringent procedural requirements for identifying linguistic minority students, coupled with the Title VII requirements.

It is hoped that in this manner, the Hispanic students who are identified will be able to continue to receive the necessary help found in bilingual education.

Another point that Dr. Feinberg brought out is that cultural compatibility is not the same thing as linguistic similarity, but cultural sensitivity is something that can be learned. In addition, she pointed out that children grow up in a multicultural world and that should be kept in mind when planning programs for them.

Dr. Feinberg continued:

> Bilingual programs, multicultural programs are good for the Hispanics, but I do believe that we must tell the other groups 'they are good for you, too.' Much of the literature on desegregation addressed the white hostage theory. It is not that sitting next to the white student is so much better for the Black student. It is that when the white student is in the school, he brings the blackboards and the new textbooks and the new roads and the new buildings with him.

Mr. Mariano Vega's discussion concerned the realm of higher education, the situation at Montclair State College in New Jersey. The school has the largest number of Hispanic students of any school in the state of New Jersey.

The essential problem is that of a language barrier. The school has a program particularly designed for the adult in the Spanish-speaking community, however, they continue to use the SAT scores for admission as an undergraduate student, and the graduate record exam for graduate students.

They recently presented a report to the president of the College, explaining the present situation and making certain suggestions. Some of the things they suggested were: bilingual programs to avoid some of the shock experienced by students coming from the community; stopping the tracking process; changes in the curriculum that would reflect the Hispanic experience; hiring of an assistant to the president whose mandate would be to try and orchestrate a value program for Montclair State College; promotion of some of the Hispanics in the administration; and services to provide that the students that enter and do not have a clear understanding of what is expected of them will have resources to allow them to finish school within a reasonable amount of time. [The situation described here highlights the fact that needs for bilingual education are not limited to elementary and secondary education, but are also needed at the adult level.]

Mrs. Amparo Jimenez explained that she works as an aide in some of the public schools in Milwaukee. She stated that in Milwaukee, Hispanic parents do not want their children to be moved about the city, for fear that they will not receive the services needed, especially those of bilingual education.

She pointed out that she wants her children to know their culture and be well educated. She also stated that they are having difficulty getting bilingual education in Milwaukee as a result of the integration efforts that are being made.

She concluded by saying that in Milwaukee they have a good parent coordinator, and that the emphasis is on the involvement of both parents and teachers in the bilingual education effort. She urged the people in the Conference, particularly the bilingual people, to become involved in the research essential to prove that bilingual education works for all.

Dr. Antonio Vega began by describing Orange County, California as the bastion of conservatism in the nation. He stated that "... maybe what we need to begin with when we speak about integration or desegregation is not a desegregation between Hispanics and Anglos, but perhaps an integration process [among] Hispanics first." In Orange County, the Hispanic population is caught up in the inward mobility and achievement of the American dream. The desegregation plan they received in his area appears to have been watered down, and as a result the population in Orange County does not really know what a desegregation plan is.

Synthesis of Floor Discussion and Issues

The first point, which was elicited by a participant from Texas and voiced by Mr. Peña, was that when there are many Hispanic parents involved in the planning of the education of their children, they get on committees and really are active, and this can be seen as a threat by those who would oppose such things as bilingual education.

A second point which emerged from the same sources, concerned a realization that bilingual education has become a political issue.

A third point, raised by a participant from Florida, concerned research. It was emphasized that the practical application of research findings is needed in addition to the research itself.

A fourth point, which was voiced by a participant from New York City, was that one of the benefits of the Conference was an opportunity for different area people to get to know each other and each other's problems.

A fifth point, a rejoinder to a previously stated feeling about the necessity of parental involvement at all levels of their children's education, was raised by a participant from Miami, Florida.

A sixth point, which concerned the inability of the Hispanic community to attract the attention of the media to its views on the issues of desegregation and bilingual education, was raised by a participant from California.

SESSION VI:

Topic: What are the pros and cons of desegregation/integration (based on the Thomas Pettigrew Model) for Hispanics and what research needs are implied?

Discussion Paper: "Desegregation and the Mexican American"

Presenter: Dr. José Cárdenas

Moderator: Ms. Silvia Unzueta

Discussant: Ms. María Cerda

Introduction of Dr. José Cárdenas by Ms. Silvia Unzueta

MS. UNZUETA: I am introducing to you the speaker for this session, Dr. José Cárdenas. Dr. Cárdenas will be speaking on desegregation of the Mexican-American.

Dr. Cárdenas received his doctorate from the University of Texas in Austin. He has been in elementary schools, and a high school teacher. He has also been a vice principal of a high school, as well as of an elementary school, and an assignment supervisor of instruction. He has been a professor of education and superintendent of schools.

He is a researcher and is presently the Director of the Intercultural Development Research Association, in San Antonio.

Introduction of Ms. Maria Cerda by Ms. Silvia Unzueta

MS. UNZUETA: I want to introduce our only discussant, María Cerda.

Ms. Cerda was the first Hispanic woman member of the Chicago Board of Education, and served on a committee in the City of Chicago charged with the task of formulating a citywide desegregation program.

Presently, María Cerda is the Executive Director of the Latino Institute of Chicago, an organization that trains and develops Hispanics in the Chicago area. Basically, the program tends to empower, through training in decision-making, behavior modification, etc., the three major Hispanic groups in Chicago: Puerto Ricans, Mexican Americans, and Cubans.

José Cárdenas

I. Introduction

The *Brown* v. *Board of Education* decision brought about a concerted effort to desegregate the schools. Though the *Brown* decision dealt with racial segregation, the principles of this court case have had a big impact upon other minorities, such as Hispanics and specifically, Mexican Americans.

Desegregation efforts in behalf of Mexican Americans actually predate *Brown* v. *Board of Education.* In *Delgado* v. *Bastrop Independent School District,* the federal courts ruled that segregation of Mexican American children was illegal. This 1948 federal court decision, together with the 1945 Orange County *Mendez* case, and followed by *Gonzalez, Romero,* and *Hernandez,* established sufficient legal precedence prohibiting the segregation of Mexican American students.

Yet, enforcement efforts were minimal, and it isn't until *Brown* v. *Board of Education* and subsequent legislation that we find a strong movement toward the desegregation of Hispanics in American schools.

Initially, *Brown* v. *Board of Education* tended to be prejudicial toward Mexican American children. School districts, faced with the necessity of integrating Black and white children, and the courts having determined that Mexican Americans were white, tended to resolve the problem of desegregation by combining Mexican Americans and Blacks while Anglos continued relatively segregated.

It was only a matter of time before Blacks and Mexican Americans objected to a response to desegregating court orders by integration of two ethnic minorities. In *Cisneros* v. *Corpus Christi Independent School District,* it was determined that Mexican Americans were an identifiable ethnic minority group and that the desegregation process should provide for integration of Anglos, Mexican Americans and Blacks in order to produce tri-ethnic balances.

This concept of tri-ethnic desegegration has been followed in subsequent court cases including *U.S.* v. *Texas, Denver* v. *Keyes, Tasby* v. *Estes,* and many others.

II. Desegregation and Integration

Regardless of the merits of *Brown* v. *Board of Education* and subsequent desegregating court orders, a review of the literature would indicate that the effects of desegregation fell far short of the outcomes envisioned by everyone concerned. An analysis of pupil achievement indicates that, contrary to the expectations of minority populations and plaintiffs in civil rights cases, the mixing of minority pupils with children from the dominant cultural group has not led to a dramatic improvement in the scholastic performance of minority children. This finding should not be surprising, unexpected or frustrating. Though the segregation of minority children may be socially, psychologically, pedagogically and morally unsound, the reason for minority children's under-achievement may be attributed to other factors, rather than to the physical segregation alone.

For ten years now, this author has been stating that the deplorable performance of minority children in our public schools is attributed not only to the effects of physical segregation but, even more so, to the effects of curriculum isolation or incompatibility. Regardless of the student assignment plan utilized by a school system either before or after desegregating activities, the main reason for minority student lack of performance is the inappropriateness of instructional materials and methodologies for the characteristics of the minority students involved.

School programs developed by and for white Anglo Saxon, middle class English-speaking populations are incompatible with the characteristics of non-white, non-Anglo, non-middle class, non-English-speaking students. Language, cultural, economic class, mobility, and perceptual characteristics of minority students demand a compatible educational effort.

This concept has found its way into educational literature, litigation and subsequent court orders. One way of explaining the distinction between the physical movement of students and the appropriateness of desegregating activities is commonly described in the literature as desegregation and integration. As defined by Pettigrew, desegregation involves the reassignment of pupils in order to reduce ethnic or racial imbalances; integration is the changing of educational practices in order to make them compatible with the characteristics of minority populations.

Though *Brown* v. *Board of Education* brought about large amounts of desegregation and resulted in improved racial and ethnic mixes in our schools, the case has done little to change educational practices in order to make resulting programs more responsive to the characteristics, problems and needs of minority populations.

It is inconceivable that the shuffling of students alone will lead to improved educational performance unless it is accompanied by a comprehensive reorganization and revamping of racist instructional practices.

Precedence for such legal action may be found in the far reaching implications of *U.S.* v. *Texas*.

U.S. v. *Texas* was originated by the U.S Department of Justice on March 6, 1970 for the purpose of dismantling the dual system of education in Texas. The legal brief for this case was the court's interpretation of the 14th Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964.

In a modified order, issued on July 13, 1971, the court, in addition to condemning school segregation in Texas, prescribed equal educational opportunities for every student. The court asked the Texas Education Agency to recommend and implement curricular offerings and programs to compensate minority children for unequal educational opportunities resulting from past or present racial and ethnic isolation. It specifically ordered the Texas Education Agency to develop and implement programs and curricula designed to meet the special education needs of students whose primary language is other than English. The court prescribed a study of the educational needs of minority children, the development of minimum standards of enforcement procedures, and the submission by the state education agency of annual compliance reports.

In a separate order on December 6, 1971, the court prescribed a much more meticulous program for the San Felipe Del Rio School District in Texas. In this order, the federal court prescribed the vigorous recruitment of Mexican American administrators and instructional staff; a curriculum which recognized the value and cultural environment and language of the Mexican American students; language programs which developed and reinforced the student's primary and secondary language from early childhood through the 12th grade; bilingual counseling; inter-cultural awareness programs and ethnic studies courses; the establishment of multi-ethnic community councils to assist in the formulation and evaluation of the program; the development of a plan to insure the hiring and retention of competent bilingual/bicultural staff; recommended provisions for language and cultural awareness training; the appointment of bilingual/bicultural teachers for special education classes; the appointment of an educational consultant team to develop a plan to evaluate the effectiveness of the bilingual/bicultural program; bi-annual reports to the court and the parties on the progress of implementation.

Subsequent court cases involving the desegregation of Hispanic minorities have tended to direct the courts' attention to the need for integrating instructional activities. In *Keyes* v. *Denver*, the federal court prescribed an extensive integrating plan involving adequacy in the philosophy of minority education, school governances, scope and sequence of instructional program, curriculum, co-curriculum, staffing, non-instructional needs, student personnel services, community involvement and evaluation activities.

Unfortunately, the Tenth Circuit Court of Appeals felt that this remedy was too extensive in proportion to the facts presented in the case and remanded this portion of the court order to the lower court for re-hearing.

Regardless of the legal foundation for such a comprehensive and sweeping education plan, it is my belief that it is theoretically and pedagogically sound and that all future efforts at desegregating schools in the country must be accompanied by similar integrating activities. The placement of a child in a strange and alien cultural, linguistic, or economic instructional setting is no less an injustice or a barrier to learning than his placement in a segregated setting.

III. Minority Perceptions of Desegregation

In general, the Hispanics have been opposed to the segregation of their children in public schools. The separation of children from two ethnic groups in itself constitutes unequal treatment, and the minority child is the recipient of discriminatory treatment. The Hispanic family is generally aware of the psychological, social, pedagogical and moral implications of segregated schooling. The existence of this awareness is more than adequately documented by Hispanic opposition to such practices, and their unwillingness to accept this condition is evidenced by a long string of court cases dating back to 1945. In the post-*Brown* era, Hispanics have consistently participated in support of desegregation cases either in the role of plaintiff or in the role of plaintiff intervenors. It is interesting to note that almost without exception, Hispanic interest in desegregation cases since *U.S.* v. *Texas* has gone beyond pupil assignment plans and into instructional practices.

Past Hispanic interest and opposition to segregation has taken into consideration not only the injustice of segregation but has reflected an awareness of inequities of segregated facilities. In general, documentation in desegregation cases has not only shown minority children, but the assignment of minority children to separate school campuses has resulted in their being the recipients of older facilities, less playground and recreational space, a shortage of instructional supplies and equipment and a tendency toward less trained and less experienced staff.

In spite of the long track record of Hispanic opposition to segregation, there exists some reluctance to continue complete and unqualified support for desegregating activities.

The loss of enthusiasm over desegregation efforts may be attributed to rather consistently negative experiences in the desegregation process.

In general, the following considerations can be made with regard to desegregation efforts:

1. The burden of desegregation has fallen upon the minority populations. As a result of desegregation efforts , minority schools have closed or enrollments have been reduced with the minority population being transported to white majority schools.
2. The reassignment of minority pupils to other schools will inevitably lead to the minority pupil becoming a minority in each of the desegregated schools. Community personnel enjoyed wide powers in the decision making, staffing and operation of segregated, predominantly minority schools. Such prerogatives vanish when the minority population is dispersed and becomes 15% of every school in the system.
3. Pupil assignment plans which have dispersed minority populations have failed consistently to provide adequate transportation for participants in extracurricular activities, parental involvement activities and for responding to emergency situations.
4. Desegregation efforts have consistently jeopardized special programs for minority populations.

School districts threatened with desegregation have presented a choice between participation in bilingual and multicultural education or the desegregation of schools. The school district inevitably displays an unwillingness to trouble itself with administrative reorganization and maintains that continued segregation is essential to bilingual program implementation.

School authorities consistently warn minority parents that desegregating pupil assignment plans may result in their children ceasing to be eligible for participation in Title I programs. This constitutes a half-truth, since concentrations used for determining school plant participation may change though the number of participating students should remain the same.

5. The implementing of desegregating court orders has not been preceded by an adequate program to prepare the schools for change. A careful analysis of desegregating activities indicates a consistent failure to prepare staff and children for the transition being made in the desegregating processes. Teachers in desegregated school systems consistently voice their concern over the school systems' failure to adequately prepare them to handle a clientele with different language, culture, economic class characteristics, and mobility patterns entirely different from what they have experienced in the past.
6. School districts have consistently failed to reorganize effectively in order to continue and enhance programmatic activities commonly implemented in segregated schools.
7. The number of teachers trained in minority education required in the past was rather minimal since minority pupils, which comprised a minority of the enrollment, tended to be clustered in segregated schools and required a minority of the instructional staff. With the advent of desegregation following *Brown* v. *Board of Education,* the situation has changed dramatically. The minority pupils formerly clustered in a minority school have been dispersed throughout the school system. In the most successful desegregation cases, minority pupils comprise a portion of each school. As a result, every school, and in some cases every teacher, is in contact with minority children. Therefore, the skills once required of a minority of teachers are now essential to the majority of the faculty and, in some cases, to the entire district staff. The implication of this situation is that perhaps every teacher employed in a desegregated school system must be trained in the characteristics and educational needs of and educational program appropriate for minority children.

On the other hand, in the past minority teachers had been similarly dispersed throughout the system. The application of Singleton ratios in desegregated schools has lessened the extensive and intensive contact which minority teachers experienced with minority children.

A visible example of this problem is the diffusion of children of limited English-speaking ability as a result of tri-ethnic desegregation cases. The bilingual education program in Del Pueblo Elementary School in Denver faced drastically different staffing needs when the Tenth Circuit Court of Appeals decided in *Keyes* v. *Denver* that bilingual education was not sufficient justification for the segregation of children, and the participants in the bilingual education program were dispersed throughout a number of schools.

IV. Research Implications

Continued minority support for the desegregation process will be dependent upon the school system, either through self activation or through protective provisions in the court order, taking into account educational needs of minority children.

In order to make wise decisions concerning the most responsive and adequate provisions for minority education, it is necessary that further information be acquired, developed or synthesized to provide a sound base for the decision-making process. Information is desperately needed in the following areas:

1. Alternative governance strategies available which allow minority inputs into the schools' decision-making processes without the need for total control of the process through numerical power.
2. Strategies that can be developed to reverse the trend of minority exodus from neighborhood schools in order to balance out majority neighborhood schools elsewhere.
3. The impact of school busing plans on student participants in extracurricular activities, parental participation in community involvement activities, and the criteria for safeguards

for emergency situations.

4. Legislative changes required in order to guarantee that the desegregation process does not reduce or impair special program support for minority or economically disadvantaged children.
5. Preparation required in order that the entire school staff be ready and willing to meet their responsibility for a new clientele in the systems' mainstream educational program.
6. Alternative educational practices that must be developed in order for the educational program for each child to be compatibie with his cultural characteristics.

This research must focus on alternative educational strategies, including materials and methodologies based on minority characteristics.

EDITED TRANSCRIPTION OF DISCUSSANT'S COMMENTS

MS. CERDA: I want to talk to you a little about my response, which will be tinted by my committee involvement in the development of parents and community, and the effect of their input on the desegregation plan in Chicago.

Chicago hasn't been mentioned in this conference very much because we have been very quiet. We have been actively involved in listening and learning from all of you because, at the present time, we are faced with the responsibility—in about 18 months—to develop a plan to integrate the student population of the city of Chicago. It is, at the present time, 70 percent minority.

The information I have heard today in the Conference, and I have heard before from Dr. Cárdenas, is a very important and pertinent to what we are doing here.

I would like to start by saying, doctor, that it is very important for us, as we go around talking and providing information for parents, to have the kind of historical perspective you brought to the desegregation issue. Sometimes we forget the fact that we have struggled, that our people have been involved for a long time, and that we have already some precedents. We do not give ourselves credit when we talk about desegregation or when we talk about *Brown* v. *Board of Education*.

In Chicago, nevertheless, we had a different experience. Our population has really four cross-segregated schools. In order to survive, we have had to demand Hispanic schools for Hispanic principals, Hispanic staffs.

Our communities are well dispersed throughout the city of Chicago, although we have five large concentrations of Hispanics in the city. And in order to have the kinds of programs we need, we have always been fighting for moving Hispanics together, rather than fighting against segregation.

Your statements on integration and desegregation are very important and I found it very enlightening in that, at the present time, the Chicago Board of Education has submitted a plan, a desegregation plan. Most of the statements you made here about the kinds of programs and the kinds of activities, integrating activities that are necessary to have a sound educational program, are thoroughly lacking or missing in the plan that the Chicago Board of Education is providing as an alternative to both the state and the Office for Civil Rights.

It seems to me that we need to do an awful lot of work if we are going to provide integrating activities in the city. I found your research agenda and your concerns for research very important and very well thought out. I have a tremendous sense of urgency, in terms of what this means for us. If we are going to have a research agenda in Chicago, we have to start immediately, and that research agenda has to be tied to the active involvement of parents and community people.

We have had, in the past, a very bad experience with professionals and academics. Recently, they published a study by Northwestern University describing the Hispanic population in Chicago. The study was started three and a half years ago. They got all that information then, but they just published the report, never mentioning the fact that the information was three and a half years old.

As our communities grow and change daily, any of the last accomplishments of our community were never presented in their report. Therefore, the report has had a devastating effect on the political scene, and provided a lot of misinformation about Hispanics in Chicago. It has Northwestern University's seal and everybody says, "Well, it is supposed to be right."

Therefore, I am very skeptical about any research that does not involve active participation of community members.

I know by experience that parents can be trained to do research. They are a tremendous resource that is always ignored. Any kind of research dealing with the issue of desegregation ought to involve parents and community members, and needs to be done immediately in order for it to be of any help to us in the development of the kind of plan that will provide integrating activities, as described by Dr. Cárdenas.

OCR has found the Chicago Board of Education in non-compliance with, not only the segregation of Black/white staff and the experiences of the staff, but also with *Lau* v. *Nichols*, and the fact that it has not provided education for non-English speaking children.

The Board of Education is presently negotiating in secret with OCR. They already have moved a recommendation of the movement of 2,500 teachers to be able to comply with both *Lau* and the *Brown* position.

While we, a committee of 40, are talking about sitting down to design a plan, we have already desegregated faculty. Therefore, we are talking in a very schizophrenic way of how we are going to, on the one hand, desegregate the resources and, on the other hand, move children around.

It shows clearly that people seem not to understand that we are dealing with children, that we are dealing with needs, that we are dealing with diverse populations in Chicago. If we are going to have an impact, we have to have it immediately. I have found that this conference has been very good for me because it has again identified resources that we may need to tap, in order to provide some semblance of humanity to that plan and in order to come out of this as survivors.

Synthesis of Floor Discussion and Issues

The first issue, raised by a participant from New York City, was the question of physical segregation, and curricular incompatibility. Dr. Cárdenas pointed out that he felt that both still exist. He explained that court orders often result in resegregation. He also pointed out that there are other areas of incompatibility besides that of language, for example: cultural incompatiblity and socio-economic incompatibility. As an example of their existence, he noted that newly immigrated Mexicans consistently outperform Mexican-American and Puerto Rican children born in the continental United States.

The second issue, raised by a participant from California, concerned the Del Rio plan, which had been written by Dr. Cárdenas. In this regard, he agreed that it was the best and most sweeping plan yet. He also explained that while it deals with desegregation, such that there are ethnic mixes, it has not achieved full implementation of requested educational plans.

A third issue, raised by a participant from Cincinnati, dealt with the difficulty of making a voluntary desegregation plan work. Dr. Cárdenas noted that in the cases that he is acquainted with, it has not worked. He said that sincerity needs to be tested before such a plan is truly accepted.

A fourth issue, voiced by a participant from Texas, concerned desegregation seen as movement of children. It was generally felt that the mere movement of children will not resolve the educational problems of Hispanics or other minorities. It was felt that what is needed is to combat ethnic isolation.

A fifth issue, introduced by a participant from Miami, Florida, continued the theme of segregation, questioning whether or not the Conference was segregated, and why there was no media coverage. It was explained that the Conference was not segregated, that there were non-Hispanic participants and members of the audience. It was also pointed out that others were invited but chose to stay away. As for media coverage, it was explained that the media were notified of the Conference.

A sixth issue, which dealt with control of research, was expounded upon by Dr. Cárdenas. It was noted that Hispanics do not control the purse strings and, therefore, do not control the research being done or needed. That research projects are conducted by people who have little knowledge of Hispanic characteristics, was also pointed out. As a possible solution to this dilemma, it was suggested that Hispanics fund themselves for research through the various Hispanic organizations that exist throughout the country.

A seventh issue, introduced by the main speaker of the session, concerned the basic argument that the child who is moved from one school plant to the other, still finds a teacher that thinks that Hispanics cannot learn, and that they do not value education.

SESSION VII:

Topic: What could be the potential role of NIE and other Federal educational research and development agencies in sponsoring research in the area of desegregation and education concerning the Hispanic Community?—The Participants' Perspective.

Moderators: Dr. Sylvia Gonzales
Mr. Milton Graciano

Discussants: Mr. Roberto Soto
Dr. Judy Guskin

Introduction of Mr. Roberto Soto and Dr. Judy Guskin
by Mr. Milton Graciano

MR. GRACIANO: Sylvia Gonzales will be moderating with me.

Our two discussants are Judy Guskin, who is a bilingual consultant with the Midwest Resource Center, which is a part of the Title VII national centers network. She is also affiliated with the American Educational Research Association and the Council on Anthropology and Education.

She is involved with special interests in these organizations, to stimulate research in bilingual education and Spanish-speaking population concerns.

We also have Roberto Soto, who is presently a doctoral candidate in the Social Policy Analysis research area at Harvard Graduate School of Education. He has served as an evaluator, consultant, and administrator of schools and agencies in New York, Boston, and Chicago.

MR. SOTO: After two days of discussion, argument, and deliberation, I have attempted to piece together my sense of the "pulse," the "spirit," which has emanated from the conferees present. My purpose in doing so is quite simple: I wish to tie together all that has been said, and not said, in this conference to give us a basis for further discussion and, perhaps, decision-making.

It is my sense that Hispanics in the United States support the ideas and principles which inform societal integration. We believe that the United States should indeed be a land of equal opportunity with liberty and justice for all.

We believe, however, that this national commitment and ambition will only be realized when all citizens are accorded the rights and privileges due them by the Constitution and the Bill of Rights. It must be recognized and understood by the majority culture, however, that implicit in this belief is the *total acceptance* of cultural, racial, and linguistic differences, among others, not only as a matter of public policy, but also as a matter of the national conscience.

In the field of education we reject the segregation of students and the allocation of inferior educational services—policies rooted in attitudes and beliefs about minority students which are, simply put, racist. We also reject, however, the perhaps equally racist view which claims that our physical isolation produces damaging effects upon us which can never be undone.

What do we accept as the role that education might play in the development of an integrated society, especially with respect to the reality of urban school desegregation?

We accept that dual school systems must be dismantled, "root and branch." In every district in the nation a *unitary* system of education must be provided. Within this unitary system, nonetheless, we believe that the diversity that exists must be respected. This diversity within unity must be rooted not in racist, segregationist policies of the past, but in sound educational programs and strategies which recognize the different abilities and qualities which individual children bring to the school door. These abilities and qualities include, but are not limited to, (1.) the fullness of their linguistic and cultural heritages and (2.) ethnically-derived human motivational issues, learning styles, and other items as Dr. Cárdenas has previously stated and as explained in his theory of incompatibilities, among other sources.

My sense of the spirit and tone which have motivated the participants at this conference is:

1. The mandate for desegregation and the multiple strategies undertaken as responses to the educational needs of Hispanic students (of which *transitional* bilingual education is only one) are not incompatible nor irreconcilable. They are, as Ricardo Fernandez put it, "divergent yet similar thrusts, both seeking equal educational opportunity."
2. The transitional model of bilingual/bicultural education, the one so predominant in schools today, may well prove to be imcompatible not perhaps with the desegregation strategy, but with the broader goal of equal educational opportunity. This occurs on two levels. This assimilationist model, in its ultimate rejection of the language and culture of the children served, may well do damage to the minds and hearts of children in a way never to be undone. More immediately, and perhaps of even greater significance, the current environment in which these programs operate—rarely characterized by support—more frequently characterized by indifference or hostility on the part of so many "educators" (and frequently sabotaged by them too!)—I suggest, does even greater damage to our children: "the ghettoization of the mind" result that Josué González referred to. Thus, the maintenance of this type of program, based as it is on a deficit model, may *deny* our children equal educational opportunity, whether within a desegregated setting or a segregated one. In the final analysis, *who our children are is being rejected,* and the same "equal" programs and services which have failed us for so long will be provided.

What then do we want? If we accept our inclusion in desegregation plans, plaintiffs, defendants, and the courts must begin to accept, as we have, that in a desegregated setting only *mutual* acceptance and the acceptance of differnces can lead to the ultimate goals of an integrated society, unitary school systems, and equal educational opportunity. Our participation in school desegregation plans, on the basis of perceived and researched needs of Hispanic students (both English *and* Spanish dominant, monolinguals, bilinguals, however we might classify them as to language) mandates, as minimums, the availability of:

1. Enrichment, not compensatory, programs of bilingual/bicultural education. These programs should serve children—brown, white, Black, English and Spanish dominant—and build upon, maximize, what our people bring to the schools and to this country. This is vital to a unitary school system serving diverse groups of people. From a growing understanding of who we are on the part of the so-called majority and other minority cultures, let the integrated U.S. of A. grow.

   I think the massiveness and penetration of the so-called majority culture will surely compensate for the "minority orientations" which these programs may contain. A child, after all, spends only 1,080 hours/year in school. Walt Disney World, the Waltons, Little House on the Prairie, and their attendant Wheaties, McDonald's, and others can have them the other 5,490 waking hours of every year. Those who fear "separatism" need not worry under present conditions.
2. Structural changes. For the sake of both our Spanish dominant and English dominant Hispanic children, and all children, desegregation plans must include overall structural and organizational improvements and programmatic changes in school districts. Enrichment or developmental bilingual/bicultural programs should encompass all areas of the school curriculum when feasible and possible. Our children's school-related problems are not limited to linguistic ones, a fact frequently overlooked it would seem. Our children sometimes have special needs; similarly, our children can be found in vocational schools, performing arts schools, and although we frequently underrate ourselves—classes for the gifted.

Finally, I might add, Hispanics want the regional, historical and cultural varieties inherent to our populations to be given adequate and due weight. The majority will have to realize that although we all speak the same language, we don't all "look alike."

Now, having said all that, let me answer the question posed for Session VII: What could be the potential role of NIE and other federal R&D agencies in sponsoring research in the area of desegregation and education concerning the Hispanic community?

On the basis of Dr. Gary Orfield's comments yesterday, I have a "hunch" that most of what needs to be known about desegregation and the Hispanic community is already known—we just haven't heard it yet. The knowledge and wisdom of professional desegregationists not withstanding, I venture to add the following. Washington, Federal officials, and NIE can play the following role:

1. Give us more money to do research.
2. Look at the numerous areas in which research is needed as stated by presenters, discussants, and participants—then act.

How? Establish a national Hispanic educational needs *R&D center*. Enlist the support and expertise of parents, teachers, lawyers, Ph.D.s and other concerned parties in a policy-making capacity so as to:

- allow *us* to prioritize these needs;
- allow *us* to allocate the funds;
- and allow *us* the opportunity (not AIR's) to conduct research and development projects.

All of the research areas in the "E" of HEW must respond to our needs and their relation to desegregation.

In the National Institute of Education the thrust of *the six* program groups, not just Educational Equity, must be brought to bear on the problems of desegregation and the impact and implications of desegregation on Hispanics. I'd be quite surprised if the Education and Work Group, the School Capacity for Problem-Solving Group, the Basic Skills Group, and the Finance and Productivity Group cannot direct more energy, time, effort, and resources to the issues raised at this conference. Let us not forget that the National Institute of Education, like most recent federal legislation-backed efforts, is the result of the struggles of Blacks and other oppressed minorities. We cannot permit NIE to *segregate* us, the Hispanics, in the Educational Equity Group to the "back of the bus," generally, and the Multi-Cultural/Bilingual Division specifically. Given the stark, depressing realities of

Hispanic education, it may not be possible to view this segregation as nothing more than tokenism and a Federal acceptance of the status quo.

In conclusion, I suggest the following activities on our part. Let us take a stand on desegregation. Let *us* define our position, regardless of the opinions of courts (which may be similar). We've got to stop reacting and start acting. I would consider this conference to have been, in large part, an exercise in mental gymnastics, if individuals were not to begin—in their local communities, and on the national level—to *define* our position and to inform the General and local counsels of the NAACP, the School Boards, the bureaucrats, and everyone else affected. These statements of position—philosophical, political, and pedagogical—should guide our advocates, our educators, and our strategies. The judiciary is not immune to political movement. Eventually it will hear the grumbling underfoot.

My intent in trying to summarize the spirit and pulse of the last 42 hours in the beginning has been to provide a brief summary and basis for discourse and action.

Que viva la raza, unida!

DR. GUSKIN: My thrust is to the friends in Washington.

Do we need information? Yes. Do we have the power to ask questions we want to ask, to get the answers that are usable and understandable to our communities? No. What can our friends do for us? I think they can help make those who do have the power, who are collecting information, who are using information, accountable to us.

We need the information, and I am going to define research in a broad way. We are talking about systematic information gathering. Let's not be esoteric. Some research will be useful in terms of popular styles, and so on. According to me, research also means census research.

We need it to defend programs before school boards. We need it to defend programs on the Hill. Information can influence the direction of programs. How research is being done, who asks what questions, can influence how people think about everything we are into and help define us.

What happened in the 60's? Think for a minute of all the studies that were made looking for all the nonverbal kids and assumed they found them. Where did this material come from? A lot of it came from research to influence the general thinking, as well as reflecting the general thinking of the society. The whole way of thinking, the whole way of approaching, can be influenced by those who are asking the questions and the questions they are asking.

Politics and power always influence the questions being asked, how they are answered, and who gets the information—so it is not being unobjective or being a poor researcher to admit that fact.

NIE needs to be an activist in Washington because there are so few in Washington who can help to do the job. NIE needs to get us readable information that affects us. AIR reports need to be rewritten, to be clarified, to be shared, to be responded to, and to be collected. Our statements, opinions and ideas need to be given arenas in which to be heard. People in NIE can do that.

Part of the task of NIE is the utilization of information and the utilization of knowledge. We ought to be given part of that utilization process, and NIE ought to be responding to that, too.

NIE should study up, not only down. Let's study implementation, administrations, and the principals who are implementing the programs. Let's study how to be more effective. Let's study decision-making.

We need information about what is working best, and that needs to be shared. We need information from other agencies. We need products, too, not only conferences. NIE has been funded by Congress for a Clearinghouse on Bilingual Education. Let's have it, we need it. I know there have been a lot of conferences and a lot of reports about it.

Parents and teachers need to be involved in the questions that are asked. You can't get the information you want unless you are asking the right questions. We need to hear from them, even if we think we know what people are responding to. Parents need to get involved in the interpretation of whatever is done.

NIE is in Washington. So are many other agencies and I know the frustration and difficulty of coordination, but the information coming out about what these other agencies are funding or not funding needs to be in our hands. We need to know what they are doing, and we don't have that information.

We need to use the networks that do exist as part of the process. We have to begin to have Lau centers and Latino institutes compete with Harvard University.

We need longitudinal data. We need community school data and classroom process data. We don't need only the data on reading achievement after five months in the program.

Very briefly, I just want to say that the research on desegregation has been going on for a long time and there have been some conclusions about what has been wrong with that.

Are we in the same places? Do we want to go the same ways? For example, research on desegregation lumps everything together and doesn't differentiate this kind of desegregated school from that kind of desegregated school. It doesn't differentiate these kinds of kids with that kind of teacher and that kind of program from what benefits these kinds of kids with that kind of program and that kind of teacher. It lumps everything together, assuming that the question is, is desegregation harmful, not how do we improve learning for these kids. It is the wrong question and it is an obvious question, given who is doing the question-asking.

Research has had all of the problems of design, all of the problems of bias that we are probably going to be facing continually, in doing research in bilingual education. It hasn't looked at the interracial climate in the school. It hasn't looked enough at helping to deal with the principal and how the principal can really have a terrible effect on making that desegregated school very helpful for kids. It hasn't looked at how to maximize the good things that could happen.

One of the things that we concluded from reviewing research was that the most important positions for fulfilling the well-being of children in a bi-racial setting is affirmative administrative leadership, the recognition of the value of cultural pluralism, and the equalization of group status. Perhaps we can go along with that kind of conclusion when we are asking for equalization of status within the schools, for a climate at school to be adequate to produce the well-being of children. What it has produced is a lot of cultural marginality.

We had to compromise legislatively, but implementing it is another matter. We have to be active in defining what we mean, concerning the numbers that we feel we need in a setting. Just because we had to compromise in one arena doesn't mean we compromise in the other arena. We need multiple tactics for multiple purposes.

Where is desegregation research going now? According to my discussions with people here, there are some ways that I think are comfortable perhaps to some of you here. One is exemplary studies. Let's find out what is really good, not what is wrong, what is good, and how did that happen. That is where Mary Berry said she is going. That is what Dr. Henderson told me.

Another is community-school interaction, the community involved; maybe room for collaboration.

Another area is the ethnography of schools. What is really happening in the classroom and what is really happening in schools? Not just looking at the end product, the achievement score, but what really is happening in our schools.

These are directions where people who have been involved in desegregation research feel that they ought to go, but I think we ought to think about it, talk to them about it—think about collaboration, perhaps, if that is where we want to go.

We have to get together and use information, and get information that other people have, that they are using and that we are not getting. NIE people and others in Washington, D.C. can help to make sure that it is provided to us.

MR. GRACIANO: I am going to turn over the floor to the Chairman, Ricardo Fernández.

CLOSING COMMENTS

DR. FERNÁNDEZ: Much has been said over the past two days of intensive dialogue, and any attempt at summarizing the totality of issues and sub-issues must necessarily fall short of the goal. Nevertheless, I have been entrusted with the task of highlighting the major concerns which have surfaced from our discussions and shall endeavor to carry out this assignment as concisely as possible.

The theme of this conference has been equality of educational opportunity. In more specific terms, we have attempted to address the issue of school desegregation and its relationship to and impact on (present and potential) education concerns of the Hispanic community, which most of the participants identify primarily with bilingual/bicultural education. The progress in dismantling dual systems of schooling, as it has moved north and west from the south, has had an impact on other cultural and linguistic minorities, particularly Hispanics, who share the decaying ghettos of the major cities with Blacks. The simultaneous thrust in educational policy of opening and expanding educational opportunities for children of limited English language skills (as well as other culturally and linguistically distinct students) has at times been understood by some to be inherently in conflict with the policy of school desegregation. We have heard from many presenters as well as reactors and general participants that there is no inherent conflict between the two goals. Segregation of Hispanic students goes back well beyond the *Brown* decision, and some Federal courts have recognized that Hispanics, as a separate ethnic/racial group, have been subjected over the years to systematic and purposeful segregation in schools and neighborhoods.

Slowly, courts and government agencies have been promoting equality of opportunity and today we have many programs, both good and bad, which attempt to meet the unique needs of Hispanics. But, if trends in segregation* continue to hold true, many key issues will need to be addressed as school districts voluntarily or involuntarily seek to meet the needs of diverse student populations while complying with judicial, legislative, regulatory and constitutional mandates:

Two points must be underscored:

1. Hispanic students are failing in schools throughout the U.S. at rates which are alarming. Several studies, including the ones conducted by the U.S. Civil Rights Commission and Aspira of America, Inc., to mention but two, confirm this.
2. Hispanic students fail in school, not only because of the failure of many districts to provide linguistically compatible programs but, just as importantly, because of the other dimensions of incompatibility, such as poverty and the lack of esteem shown them by teachers, counselors and society at large. José Cárdenas and Bambi Cárdenas have written extensively about this for years, but apparently the most obvious is also at times the most elusive truth to grasp. The point is that Hispanic students may need special programs which may not be required for other students, e.g. Black students. Perhaps the decision of the U.S. Supreme Court in the Detroit case, which was announced today (6/28/77), is a step in the direction toward recognition of this principle. In the latest decision on *Bradley* v. *Milliken*, the court ruled that it is within the power of Federal district courts to include special programs as part of the remedy in a desegregation order. The Court seems to imply that the movement of students does not constitute, by itself, meaningful desegregation if the curriculum is such that the effects of segregation remain and impede pupils' performance and effective progress through the school system. Although bilingual education was not specifically mentioned, the implications and precedents are there for it to be included as a special program for certain groups within the student body.

I should like to proceed quickly to delineate some of the major issues which have been identified as worthy topics for further research by scholars and practitioners in the fields of desegregation studies and bilingual/bicultural education.

1. What is the legal status of Hispanics in a desegregating school system? How are Hispanic pupils to be counted—as white, non-white but not Black, or as a distinct racial/ethnic group, e.g., Chicanos, Puerto Ricans, Cubans, etc? The precedents, as per court decisions to date, are ambiguous at best, and sometimes downright confusing. How can this issue be clarified? Can it ever be, given the unevenness of treatment which judges provide?

***Trends in Black School Segregation*, 1970-1974, Vol. I, and *Trends in Hispanic Segregation*, 1970-1974, Vol. II, compiled by the Center for National Policy Review, Catholic University Law School for N.I.E.P.-76-0353.

2. In a desegregating school system, what are the most appropriate models/principles to be followed for teacher/pupil assignment? A simple application of the Singleton ratios may well be counterproductive to the development and growth of bilingual education programs, yet all too often state guidelines are applied rather inflexibly across the board, with a maximum deviation of 5 to 15% plus or minus allowed on the ratio of minorities (usually Blacks) in the system to number of minorities in a school building.
3. In a desegregating school system, where increasing numbers of Black, white and Hispanic students find themselves in the same classrooms, what might be the best program designs and concomitant strategies to bring them into action so that all students can take part in bilingual/multicultural programs? In other words, if in some schools, because of the desegregation mandate these groups come together to learn, what role can a bilingual education play in the education of non-Hispanic children? What methodologies might be more appropriate under these circumstances and what resources, human as well as financial, might be needed to mount an effective program?
4. What constitute permissible (as opposed to impermissible) tracking for Hispanics, as distinct from other groups? What are "bona fide ability groupings" and what roles do English language and the child's native language play in identifying such a grouping? An examination of pertinent HEW regulations, including the ESAA regulations, is needed in order to clarify the issue, which potentially may have significant impact on bilingual education programs.
5. What are the costs associated with starting up, or expanding programs to meet the needs of children of limited English language skills? What about the adequacy, quality and effectiveness of these programs and their relationship to cost factors?
6. What should be the entry/exit criteria for students into/from bilingual programs? This is a crucial question, especially when exit criteria are involved, in states where participation in mandatory programs is limited to a particular time period, e.g., three years.
7. Exemplary studies of bilingual education programs in the U.S. should be conducted in order for policy makers as well as practitioners to have a clear idea of what actually works, how and, hopefully, why? Social scientists and educators seem to be very good at pointing fingers at what does not work, although they often don't know why, or they misuse the data and come up with wrong conclusions or, at best, half-truths, as some participants pointed out when referring to the study on bilingual education conducted by the American Institute of Research (AIR) and recently released in preliminary form.

The Conference has meant many things to the many participants who came to Washington from California, Texas, Florida, New York, Illinois, Ohio and many other states. Desegregation means different things to different people, judges, legislators and even presidents. Their perceptions vary depending on the situation in which they find themselves, the political realities of their local situation, their ideological points of reference, their ethnic background, together with their socio-economic status and particular historical experience in the U.S.—and there is no *single* solution or model for all these diverse sets of circumstances. Obviously, there are issues of political power and control at stake in any debate over desegregation, just as there are similar issues at stake when equality of educational opportunity for Hispanics through bilingual/bicultural education is debated. Many questions remain unanswered in policies and practices pertaining to both desegregation and bilingual education. Where is the U.S. society going with these two parallel thrusts? The answer to this question will be forthcoming and will probably emerge from the dynamics of group interaction in social and political arenas. It is imperative, however, that there be an expanded exchange between the two major minority groups involved in this struggle for educational opportunity, Blacks and Hispanics. Continuous dialogue between Blacks and Hispanics at all levels—lawyers, educators, community groups, and others—needs to be promoted so that each group voices its concerns and becomes more knowledgeable of the concerns of the other group. We need Hispanic experts on desegregation and Black experts on bilingual/bicultural education.

This conference had many purposes. We have engaged in open dialogue on many issues raised by presenters and discussants on education concerns of the Hispanic community, especially as these are related to school desegregation. The list of participants is indeed varied—community persons, educators, practitioners, social scientists, lawyers, and other interested parties—and this has contributed to much needed interaction among these varied groups, who often do not have the opportunity to meet and talk about common interests. As a result of our getting together for these two and a half days, informal networks of information exchange have been established, and some of us will be keeping in touch with others who are faced with or have faced similar problems. The information from the presentations will be compiled, published and widely disseminated in the *Conference Report* so that others who could not be with us will be able to learn from our discussions.

Finally, airing issues and sharing concerns allow us time to think about them, to raise questions, to understand them better so that we can articulate them more effectively before the policy makers, wherever they may be: back home in state capitols; in Congress; before school board members, administrators, counselors and teachers; before meetings of parents and interested persons in our communities.

I feel this conference has contributed to making us all better informed of the issues and concerns affecting our communities throughout the country. Let us now proceed with the individual and collective work which lies ahead as we continue to struggle for equal educational opportunity.

APPENDIX A

Legal Issues Related to School Desegregation and the Educational Concerns of the Hispanic Community*

Betsy Levin, Salvador Casteneda***, and Mary von Euler******

INTRODUCTION

Segregation of Spanish-surnamed students by school districts and within districts has been well documented.[1] Many of the problems confronting Spanish-surnamed students in their attempts to litigate equal educational opportunity are quite similar to those raised in the context of segregated schools for Blacks, but there are also important differences, both in the determination of the existence of a constitutional violation, and in the selection of appropriate remedies.

I. THE CONSTITUTIONAL VIOLATION

The first question a court asks in determining whether the isolation of Spanish-surnamed students violates the equal protection clause is whether they are a minority which should be legally treated in the same manner as Blacks. In other words, are Hispanics a "suspect" class such that discrimination against them violates the equal protection clause of the Fourteenth Amendment, in the absence of a *compelling* state interest? Legislation often involves classification of people, so that some receive benefits, some do not. The courts will strictly scrutinize those classifications involving discrete minority groups that have been discriminated against by society.

The first circuit court case to hold that the principles enunciated in *Brown* v. *Board of Education*[2] apply to Spanish-surnamed Americans as well as Blacks was *Cisneros* v. *Corpus Christi Independent School District* in 1970.[3] Subsequently, the Supreme Court, in *Keyes* v. *School District No. 1,* the Denver case, noted that "though of different origins, Negroes and Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students."[4] In support of its holding, the court cited a report published by the United States Commission on Civil Rights which found that in certain areas of the Southwest students with Spanish surnames suffer from the same educational inequities as Blacks.[5] The cases following *Keyes* have treated discrimination against Spanish-speaking Americans in the same manner as Blacks. In tri-ethnic areas, this has often meant that the degree of segregation in any given school will depend on the ratio of whites to the *combined number* of identified minority (Black and Hispanic) in that school.[6] The court in *Cisneros* had already expressed the view that placing "Negroes and Mexican-Americans in the same school does not achieve a unitary system as contemplated by law."[7] While the court was concerned with the nature of the remedy, rather than the violation, the underlying premise was the same.

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* The views expressed are those of the authors and do not represent the views of the National Institute of Education. This paper draws in part on an article by the senior author and Philip Moise, *School Desegregation Litigation in the Seventies and the Use of Social Science Evidence: An Annotated Guide,* 39 *Law and Contemporary Problems* 50 (winter, 1975).

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To prove that the isolation of Spanish-surnamed students constitutes a violation of the equal protection clause requires a showing of de jure segregation attributable to the action of school officials. In southern cases involving discrimination against Blacks, there have been previous state statutes or constitutional provisions requiring segregation. Thus, Black plaintiffs need merely show that there are segregated schools in a school system formerly segregated by law to establish a case of unlawful segregation. The burden of proof is then shifted to the state to show that the dual school system has been completely dismantled and that the system is now completely unitary. If the school district can show that the segregation that currently exists has arisen as a result of changing residential patterns, *after* the system has become unitary, the district will not be held to be in violation of the Constitution.

However, in cases involving Spanish-speaking minorities, the courts seem to apply a standard which places a heavier burden upon the plaintiffs to establish a prima facie case of unlawful segregation. In the absence of a statutory history of de jure segregation, the Hispanic plaintiffs must show that schools are in fact segregated *and* that the segregation is attributable to some intentional action on the part of school authorities or other state officials.

In *United States* v. *Texas Education Agency,*[8] a case arising in Austin, the Fifth Circuit found intentional segregative action on the part of the school district—particularly in the choice of school sites, construction of schools, drawing of attendance zones, student assignment and transfer policies, and faculty and staff assignments.[9] Thus de jure segregation against Spanish-surnamed students was found despite the absence of a previous statute requiring segregation of Hispanic students. The court stated that discrimination in this case was "no different from any other school desegregation case."[10] Similarly, in *Cisneros*[11] the court found de jure segregation to exist noting that the:

> de jure nature of the existing pattern of segregation within the Corpus Christi Independent School District has as its basis state action of a non-statutory variety—that is, the school board's active pursuit of policies that not only do nothing to counteract the effect of existing patterns of residential segregation in view of viable alternatives of significant integrative value, but, in fact, increase and exacerbate the district's racial and ethnic imbalance. There has been a history of official school board acts which have had such a segregative effect.[12]

Thus, once the necessary intentional segregative actions are found—coupled with a high concentration of Spanish-surnamed students in certain schools—a prima facie case of unlawful segregation is established.

In *Morales* v. *Shannon,*[13] a case arising in Uvalde, Texas, the court found that there had been systematic segregation of Mexican-Americans through discriminatory school construction and assignment policies. Similarly, in *United States* v. *Midland Independent School District,*[14] the court of appeals said there were facts to show an "overriding intent . . . to isolate, to segregate Mexican-Americans and blacks," based on statistical evidence, historical maintenance of Mexican-American and Black schools, segregatory transportation, construction and transfer practices, and the drawing of an attendance area "exactly circumscrib(ing) El Barrio or Mexican Town."[15]

There are cases, however, in which these principles are applied to reach a finding of *no* de jure segregation. In *Zamora* v. *New Braunfels Independent School District,*[16] plaintiffs failed to establish that the actions of school authorities were taken with segregative intent. The court held that the existing segregation was "*de facto* and strictly the result of shifting residential patterns within the community."[17] Since there was no constitutional violation, there could be no relief. However the decision was reversed.[18]

II. APPROPRIATE REMEDIES FOR A CONSTITUTIONAL VIOLATION[19]

Recently, the Hispanic community has expressed concern over the impact on the community of certain remedies ordered by courts once a constitutional violation has been established.[20] Often school desegregation litigation has been initiated solely by Black plaintiffs (in some cases many years before there was a sizable Hispanic community in the school district) and remedies are framed in that context. Clearly, much of the relief sought by the two minority groups is the same. As do Blacks, Spanish-speaking Americans seek to challenge the disproportionate assignment of Spanish-surnamed students to classes for the Educable Mentally Retarded (EMR), and their overrepresentation in "low ability" classes in elementary schools and in noncollege-bound tracks in junior and senior high schools. But there are also special concerns of the Hispanic community which often are not raised until the remedial phase of the case by intervening Hispanic plaintiffs. Thus, at times, these concerns may have been given the short shrift by the courts. In some cases, Hispanic plaintiffs have sought to sever themselves from the Black plaintiffs.[21] That Spanish-surnamed students may require, as part of any desegregation decree, special remedies not sought by Black litigants is a principle gradually gaining judicial recognition.

A. Bilingual/bicultural programs and the dispersal of Hispanic students for purposes of desegregation.

Many school districts currently offer Spanish-speaking students either segregated bilingual education or integration without bilingual education.[22] Thus, the picture is one of apparently conflicting objectives. What have the courts permitted in such cases?

Following the remand by the Supreme Court of the *Keyes* case,[23] the district court heard testimony on various proposed desegregation plans. The Congress of Hispanic Educators, which intervened in the suit, put forward a separate remedial plan which would have established a bilingual/bicultural educational program for Spanish-surnamed students.[24]

The district court declared that the "bilingual-bicultural approach to the education of [Mexican-Americans to be] a very sensible method and to the extent that it can be useful to building bridges between the Spanish and Anglo cultures, it is to be fully utilized."[25] The Denver School District was ordered to develop a bilingual/bicultural education program in accordance with the model presented by the Congress of Hispanic Educators.[26] The program was to be implemented on a pilot basis in several schools. The district court also took cognizance of the desire of Spanish-surnamed students not to be desegregated if that meant giving up bilingual education,[27] noting that some "representatives of the Mexican-American community"[28] had asked that the schools in which the pilot bilingual/bicultural programs were located not be desegregated during the period the program was developing. The court therefore held that desegregation was not in the best interests of the community[29] and declined to include some of these pilot schools in the overall desegregation plan for pupil assignment.

On appeal, the Tenth Circuit reversed this part of the order, however, on the ground that:

> Bilingual education . . . is not a substitute for desegregation. Although bilingual instruction may be required to prevent the isolation of minority students in a predominantly Anglo school system [citing *Lau* v. *Nichols*], . . . such instruction must be subordinate to a plan of school desegregation.[30]

The Tenth Circuit went on to point out that the district court, in adopting the Cardenas plan, was not "merely removing obstacles to effective desegregation . . . [instead] the court's order would impose upon school authorities a pervasive and detailed system for the education of minority children. We believe this goes too far."[31] The circuit court did imply, however, that had there been proof that the Denver school district's existing "curricular offerings or its methods of educating minority students constituted illegal segregative conduct or resulted from such conduct,"[32] the district court might not have "overstep[ped] the limits of its remedial powers."[33] Indeed, the Tenth Circuit appeared to endorse the fact that "a meaningful desegregation plan" must help "Hispano school children to reach the proficiency in English necessary to learn other basic subjects."[34]

This part of the opinion was appealed to the United States Supreme Court, which refused to hear the case.[35] The Tenth Circuit's action therefore, stands as the law *within that circuit.*

Other circuits are grappling with the problem of framing remedies, without any clearly articulated policies, although intervention at the remedy stage has been liberally granted.

In the Boston desegregation case, to protect the state and federal statutory rights to bilingual education, a brief was filed on behalf of Hispanic children as intervenors.[36] The district court did not announce any general principles, but stated that "the *Keyes* holding will of course be observed and consideration given to the treatment of non-whites other than blacks."[37] Bilingual students would be assigned before others, to prevent dispersal.[38]

In a case arising in Waterbury, Connecticut,[39] Hispanic persons were also permitted to intervene almost two years after the original parties had entered into an agreement to a consent decree. The original parties had not objected to the intervention.

Hispanic children in Wilmington, Delaware, were permitted to submit an amicus curiae brief at the remedy phase, so that their interests could be represented during the process of fashioning a remedial plan. The court, however, noted that at that late stage it could not consider the basic issue of whether the state had fulfilled its duty—if any—to provide bilingual education.[40]

Several such cases have arisen in the Fifth Circuit. In the Dallas case, the district court confronted the issue of dispersal of Spanish-speaking children within the context of desegregation directly.[41] The Court ordered that bilingual education could be made available to all who needed it by permitting majority to minority transfers wherever Mexican-Americans constituted less than five percent of the originally assigned school.

In a case involving the Waco, Texas, school district,[42] the court noted that "All too often, the practical effect of the desegregation of tri-ethnic school systems has been that black students are mixed with Mexican-American students denying to both groups the benefit of any meaningful desegregation."[43] The court, therefore, ordered the implementation and continual reevaluation of bicultural programs, using Mexican-American consultants. Similarly, the Court of Appeals in the Austin, Texas, case[44] recommended a bilingual/bicultural education program, because no remedy for a dual system could be acceptable if it operated to deprive members of a third ethnic group of the benefits of equal educational opportunity.

In San Felipe Del Rio, the court also held Mexican-American students to be a cognizable ethnic group protected by the Fourteenth Amendment, who had been discriminated against by the school system and the state. A comprehensive remedial educational plan was therefore justified, including bilingual and bicultural education, a curriculum recognizing the cultural and linguistic pluralism of the student body, and vigorous recruitment of minority staff.[45] On the other hand, in Uvalde, the court was reluctant to order a specific bilingual educational remedy, stating, "[I]t strikes us that the entire question [of bilingual education] goes to a matter reserved to educators."[46]

Finally, in Fort Worth,[47] parents of Mexican-American students, in seeking to intervene in a suit initially filed by Blacks, alleged that Hispanic students, by their assignment to segregated schools, by the failure of the system to place qualified Chicanos in faculty and administrative positions, and by the absence of a plan for the education of Chicano children were denied equal educational opportunity. The intervenors asked the court to order the school system to establish a bilingual/bicultural curriculum.

In the Detroit case of *Bradley* v. *Milliken*, even without intervention by Hispanic complainants, the court included a requirement for bilingual/bicultural instruction among a series of educational components, such as vocational centers, reading programs, in-service training, counseling, and career guidance.[48] These bilingual programs were included among the court-ordered programs because of the state law which requires school districts to provide such programs.[49] It should be noted that although the requirement for bilingual programs was part of the remedy ordered, the court's order for educational components was in response to a finding that the school authorities had deliberately discriminated against Black students. The court made no such finding of discrimination against Spanish-speaking students.

The San Francisco School District is under two potentially conflicting court orders. One requires school desegregation and the other requires a response to the needs of non-English speaking children.[50] Bilingual/bicultural maintenance programs have been ordered pursuant to a consent decree,[51] but not all of the desegregation issues are fully resolved.

In summary, in the absence of any clear Supreme Court statement as to the constitutionally permissible approaches that can be taken regarding the issues raised by the seemingly conflicting demands for bilingual programs and school desegregation, the federal courts have reached some disparate results.

Further research would be useful as to what is constitutionally permissible and/or required, whether these requirements conflict with the educational interests of the Hispanic community, and if so, how. Have there been communities which have managed to resolve such conflicts successfully, and if so, how? What kinds of research would assist litigants in showing that a school district's approach to educating Hispanic students "constitutes illegal segregative conduct"[52] so that, contrary to the Tenth Circuit's decision in *Keyes*, a bilingual/bicultural curriculum might be required as part of a desegregation plan? What are the available programmatic options?

B. Identifying and grouping of students within desegregated schools for bilingual/bicultural programs and constitutional restrictions against ability grouping or tracking.

To date, the federal courts have consistently held that when a formerly dual, segregated system is in the process of being or has just recently been dismantled, pupil assignment by standardized achievement or I.Q. test scores is prohibited where the intended and actual result is the perpetuation of the dual school system. This result has been reached where the continuing segregation exists between schools within the system,[53] between classes within a single school,[54] or even within a single classroom.[55]

Apart from the blatant, racially-motivated misuse of ability grouping or "tracking," courts have refrained from declaring grouping and tracking to be *per se* unconstitutional. The District of Columbia Circuit, when presented with that issue, expressly refused to "plunge into a sea of . . . difficult issues of educational policy," such as the appropriate balance between the "practical need" to group students by ability and the need to ensure equal educational opportunity to every student.[56] The court did not comment on the constitutionality of ability grouping or tracking per se, but affirmed the district court's finding that the particular system used by the District of Columbia was unconstitutional.[57]

The Supreme Court seems to adhere to the position that, in certain circumstances, ability grouping is permissible. In *Lau* v. *Nichols*[58] the Courth expressly referred to HEW regulations which provided that:

> Any ability grouping or tracking system employed by the school system to deal with special language needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.[59]

Additional problems arise in selecting and applying appropriate means for identifying students for bilingual programs. Should bilingual education only be provided for children who cannot speak English, for those whose English is inferior to their Spanish, for those who do not speak English at home, or for all who request it? How are schools to identify and test students fairly in order to answer these questions?

Aspira of New York, Inc. v. *Board of Education of New York*[60] was a class action to provide for Hispanic children whose limited English language proficiency prevented them from effectively participating in the learning process and who could more effectively participate in Spanish. Pursuant to a consent decree in accordance with Title VI of the Civil Rights Act, the Federal Regulations thereunder, and the Supreme Court's holding in *Lau* v. *Nichols*, the defendant school district agreed to provide a program involving "intensive training in English language skills, instruction in substantive courses in Spanish, and reinforcement of Spanish language skills." Moreover, the decree provided for a testing program to identify Hispanic children with English language deficiencies. However, many problems and issues remain. In a 1975 action the *Aspira* plaintiffs contested the testing program formulated by the New York City

Board of Education to implement the consent decree,[61] on the grounds that the process devised to determine eligibility for the bilingual program excluded too many Hispanic children.

Other cases address the misplacement of children whose first language is not English in classes for the mentally retarded.[62] Regulations[63] promulgated under the Emergency School Aid Act (ESAA)[64] forbid:

> Assigning students to ability groups, tracks, special education classes, classes for the mentally retarded, or other curricula or extracurricula activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes which cannot be justified educationally . . . shall be presumed to be assigned on the basis of race, color, or national origin.[65]

The question of identifying those children who need bilingual programs and of providing adequate programs for them without illicit tracking or grouping clearly needs more research.

C. State and Federal legislative requirements for bilingual/bicultural programs.[66]

The basic Federal legislation for Bilingual Education is Title VII of the Elementary and Secondary Education Act,[67] but many other laws, both state and federal, are relevant. Ten states have laws mandating bilingual programs in schools in which a specified number of students have limited English language skills.[68] Fifteen states have permissive programs.[69] To date there has been no legal test of conflicts which may exist between state and federal legislative requirements for the provision of bilingual/bicultural programs and constitutional requirements of desegregation. Where there are seemingly irresolvable conflicts, can they be resolved by legislative changes which would meet some of the concerns of the Hispanic community without violating constitutional requirements?

How can the conflicts between ESAA regulations, for example, and state and federal requirements for bilingual education, if there are any, be resolved? What research is needed to support any necessary legislative changes? For example, when is isolation of students educationally required, and under what circumstances?

D. Assignment of minority teachers.

The law with regard to the assignment of minority teachers—developed in the context of desegregation of Black schools in the South—also cannot be applied mechanically to the desegregation of schools predominantly attended by Spanish-surnamed students. The general rule is that in a system undergoing desegregation, minority teachers must be distributed throughout the system so that the staff of each school reflects the proportion of minority teachers in the system as a whole.[70] The difficulty with applying this rule to Spanish-speaking teachers is that, compared to Blacks, there are relatively few such teachers employed by the system. Thus assigning minority teachers so that there is an even distribution throughout a given school district is an inadequate remedy as far as Spanish-speaking Americans are concerned. The majority of the Fifth Circuit panel deciding *United States* v. *Texas Education Agency,*[71] recognizing this, concluded that the school district should strive for parity hiring rather than the distribution of an unrepresentative number of Mexican-American teachers throughout the school district.[72]

The district court judge in the *Keyes* case also deemed the percentage formula an inappropriate desegregation remedy for Mexican-Americans, due to the fact that while they comprised 26 percent of the elementary school population, they comprised less than four percent of the teaching staff.[73] The district judge therefore required the immediate implementation of an affirmative action plan with goals and a timetable for the hiring of Spanish-surnamed teachers.[74]

Another district court in the same circuit went even further. After a finding that:

> [n]one of the teachers in the Portales schools was Spanish surnamed, including those teaching the Spanish language in junior and senior high school; there had never been a Spanish surnamed principal or vice-principal and there were no secretaries who spoke Spanish in the elementary grades.[75]

the court added that a good faith effort to recruit Spanish-speaking teachers would not be enough if that effort were unsuccessful. More-over, before Spanish-speaking teachers are hired in adequate numbers, it may be counterproductive to apportion the few Spanish-speaking teachers presently employed throughout the system. Finally, the court suggested that an adequate bilingual/bicultural program should be taught by teachers who are proficient in Spanish.

By contrast, another district court held that plaintiff school children had no standing to raise the issue of discriminatory practices in the employment of teachers and other school personnel.[76] However, the decision is being appealed. In that case, the plaintiffs had not alleged that the school system was segregated. The only claim of constitutional deprivation was the failure to provide bilingual/bicultural education. Thus the issue did not arise as a remedy to be included in a desegregation plan.

III. BILINGUAL/BICULTURAL PROGRAMS AS A CONSTITUTIONAL/STATUTORY REQUIREMENT UNRELATED TO SCHOOL DESEGREGATION

Plaintiffs in several cases have asserted that school children of limited English-speaking ability are constitutionally entitled to receive special treatment to rectify their language deficiencies. These cases have arisen apart from any issue of ethnic isolation. They present the argument that it is a violation of the equal protection clause to "functionally exclude" from education ethnic minorities whose native language is not English.

The failure of the San Francisco school system to overcome the language deficiencies of some of its students was challenged in a suit involving 2,856 Chinese-American students who were compelled to attend schools where subjects were taught only in English—a language they could not understand.[77] The plaintiffs claimed that the school authorities had denied those students an equal educational opportunity in contravention of the equal protection clause. In *Lau* v. *Nichols*,[78] the Ninth Circuit held that in the absence of a finding of past or present de jure segregation or of other state actions *contributing to* the English language deficiencies suffered by the Chinese-American students, these claims could not be upheld.[79] The circuit court found that:

> . . . every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic, and cultural background, created and continued completely apart from any contribution by the school system. That some of these may be impediments which can be overcome [by compensatory education] does not amount to a 'denial' . . . of educational opportunity within the meaning of the Fourteenth Amendment should the [school authorities] fail to give them special attention, this even though they are characteristic of a particular ethnic group.[80]

The court noted that there was no discrimination, inasmuch as the Chinese students were provided "the same facilities, textbooks, teachers, and curriculum as is provided to other children in the district."[81]

The Supreme Court reversed,[82] but only on the ground that school officials had violated section 601 of the Civil Rights Act of 1964,[83] which forbids the denial to any person, on the basis of race, color, or national origin, of the benefits of any program receiving federal financial assistance. The Court also cited HEW guidelines promulgated under the Civil Rights Act which provide specifically that:

> where inability to speak and understand the English language excludes national origin-minority group children from effective participaiton in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.[84]

The Court reserved judgement on the equal protection argument,[85] however, apparently leaving intact the legal conclusion of the Ninth Circuit Court of Appeals that there was no constitutional right to bilingual education in that circuit.

The essential holding, then, is that any school district accepting federal aid must *affirmatively* overcome the English language deficiencies of students with limited English-speaking ability. The Supreme Court opinion, however, did not require any specific remedy under the statute.

The Court stated that "teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others."[86]

It is important to note, however, that the Court did observe with regard to what constitutes equal treatment, that under the circumstances of this case,

> . . . there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.[87]

In 1974, in *Aspira of New York, Inc.* v. *Board of Education,* a consent agreement was reached in which the defendants acknowledged the rights of the plaintiff children under the 1964 Civil Rights Act, citing *Lau* v. *Nichols,* and agree to implement a bilingual/bicultural program of education for "all New York City public school children whose English language deficiency prevents them from effectively participating in the learning process and who can more effectively participate in Spanish."[88]

In *Serna* v. *Portales Municipal Schools,* [89] the district court had ordered the school authorities to institute a program of bilingual/bicultural education. This plan was affirmed by the Tenth Circuit, on the grounds that it was required by Title VI. The constitutional issue was not addressed. The circuit court stated that the evidence introduced at the trial had shown "unequivocally" that the school authorities had failed to provide their Spanish-surnamed students "with a meaningful education," partly on the basis of an evaluation by the New Mexico Department of Education that the Portales schools were not meeting the language needs of their Hispanic children. The court noted that the school district had "neither applied for funds under the federal Bilingual Education Act, 20 U.S.C. 880b, nor accepted funds for a similar purpose when they were offered by the State of New Mexico." The court said that "under these circumstances, the trial court had a duty to fashion a program which would provide adequate relief for Spanish-surnamed children."[90] Thus, the court concluded that "the trial court, under its inherent equitable power, can properly fashion a bilingual/bicultural program which will assure that Spanish-surnamed children receive a meaningful education."[91] Recently, a suit was filed in California seeking to force the Santa Ana Unified School District to take advantage of federal funds for bilingual programs.[92]

There are some questions that have not yet been settled through litigation.

1. Do the approaches to programs for children with limited English proficiency in the so-called "*Lau* remedies"[93] conflict with constitutional requirements of school desegregation? How can such conflicts be resolved? The guidelines state that:

> . . . (i)t is not educationally necessary or legally permissible to create racially/ethnically identifiable schools in order to respond to student language characteristics . . . . (T)here is no conflict in this area as relates to the application of the Emergency School Aid Act (ESAA) and the existing Title VI regulations . . .

The statement that there is no conflict provides no guidance on methods to resolve potential problems.

2. Does the *Lau* decision require school districts to correct language deficiencies where the number of students of limited English-speaking ability is small? The majority opinion of the Supreme Court in *Lau* v. *Nichols*[94] did not discuss whether there was any numerical requirement. On the other hand, Justice Blackmun, joined by the Chief Justice, stressed that he concurred in the *Lau* opinion solely because of the size of the affected group.

> I merely wish to make plain that when, in another case, we are concerned with a very few younsters, or with just a single child who speaks only German or Polish or Spanish or any other language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.[95]

The HEW *Lau* Remedies require districts in violation of Title VI and its implementing Regulations[96] to provide programs when there are twenty or more students of the same language group identified as having a primary or home language other than English. However, this does not address the issue of what numbers of unserved limited-English-speaking children trigger the violation, although under the Equal Educational Opportunity Act of 1974, Congress has said that "no state shall deny equal educational opportunity *to an individual* on account of his or her . . . national origin, by . . . the failure . . . to take appropriate action to overcome language barriers . . ."[97]

3. Is there research available to demonstrate that certain programs are inadequate even to meet the vague objectives of the *Lau* decision? Is a school district required to provide an "adequate" program to meet the language deficiencies, or merely a program designed to meet those needs?

Courts have in general been reluctant to define a constitutional violation in terms of a school system's failure to meet the relative educational needs of different kinds of children.[98] In *Lau* the Court emphasized the effective *exclusion* from the educational program of children who did not understand English. A constitutional standard based on the particular educational need of certain children who are not wholly exluded from a public education has in the past seemed unsuitable for determination by a court for lack of manageable standards.[99] Consideration of educational need is legitimate and probably desirable in framing a remedy, so long as the remedy is itself constitutional.[100] Courts have found it easier to grasp the principle of differing educational needs in the context of remedying a constitutional violation, in contrast to finding that a certain quantum of education is in itself a constitutional right.

4. Another question to be answered is whether the *Lau* decision extends to national origin-minority children who speak English but who are achieving substantially below grade level or whether it is confined to those with almost no English-speaking ability.

5. Is there a right–constitutional or statutory–to bilingual/bicultural education where there is no "English language deficiency?"

CONCLUSION

The issue of whether deliberate actions by school authorities to isolate Spanish-surnamed students violate the Constitution seems to be settled, as is the issue of whether "integrating" Black students with Hispanic students is a constitutionally permissible response to a court order to desegregate a school system. The more difficult issues are those concerned with the appropriate remedies, once a school system has been found by the judiciary to be unconstitutionally segregated. Spanish-surnamed students may need remedies for the effects of past linguistic and cultural isolation, specific areas with which Black litigants have not been concerned. In some cases, it has been made to appear that the concerns of the Hispanic community were in conflict with desegregation efforts. Further social science and educational research is needed on these issues to indicate to the courts and educational policymakers that there need not be any incompatibility between the imperatives of desegregation and bilingual education.

FOOTNOTES

[1] See e.g., United States Commission on Civil Rights, *Ethnic Isolation of Mexican-Americans in the Public Schools of the Southwest* (Report I: Mexican-American Education Study, 1971); and Center for National Policy Review, Trends in Hispanic Segregation, 1970-74, vol. II, 1977.

[2] 347 U.S. 483 (1954).

[3] 324 F. Supp. 599, 604-606 (S.D. Tex. 1970). The suspect classification standard, previously applied to racial classification, was applied to Mexican-Americans. Earlier cases had found that requiring separate educational facilities for Mexican-Americans was not impermissible under the Constitution. *See e.g.* Independent School District v. Salvatierra, 33 S.W. 2d 790 (Tex. Civ. App. 1930), *cert. denied* 284 U.S. 580 (1931). *But see* Hernandez v. Texas, 347 U.S. 475 (1954); Mendez v. Westminister, 67 F. Supp. 544 (S.D. Cal. 1946). *aff'd* 161 F. 2d 744 (9th Cir. 1947). For a history of the "Mexican-only schools," see Rangel, Alcala, *Project Report: De Jure Segregation of Chicanos in Texas Schools,* 7 *Harv. Civ. Rights—Civ. Lib. L.R.* 307 (1972). Salinas, *Mexican-Americans and the Desegregation of Schools in the Southwest, El Grito,* vol. IV, No. 4. Birnberg, *Mexican-Americans and the Desegregation of Schools in the Southwest,* 49 *Texas L.R.* 337. United States Commission on Civil Rights, *The Unfinished Education, Mexican-American Educational Series,* Report II, October 1971.

[4] 413 U.S. 189, 198 (1973).

[5] *Id.*

[6] *Id.*

[7] 324 F. Supp. 599 at 616 (S.D. Tex. 1970).

[8] 467 F.2d 848 at 864-866 (5th Cir. 1972).

[9] *Id.*

[10] *Id.* at 873.

[11] 324 F. Supp. 599 (S.D. Tex. 1970).

[12] 324 F. Supp. at 620 n. 58.

[13] 516 F.2d 411 (5th Cir. 1975), *cert. denied* 423 U.S. 1034 (1975). The Court has not yet ruled on plaintiffs' challenge to the school system's alleged discriminatory hiring of faculty and ability grouping practices.

[14] 519 F.2d 60 (5th Cir. 1975), *cert. denied,* 424 U.S. 910 (1976).

[15] 519 F.2d at 62-64.

[16] 362 F.Supp. 552 (W.D. Tex. 1973).

[17] 362 F.Supp. at 559. The Ninth Circuit has also held that until there has been a finding of intentional segregation on the part of the school board, there is no affirmative duty on the part of the school board to desegregate the system. Soria v. Oxnard School District Board of Trustees, 488 F.2d 579 (9th Cir. 1973).

One case declined to place such a burden on the plaintiffs. In Serna v. Portales Municipal Schools, 351 F. Supp. 1279 (D.N.M. 1972), *aff'd on different grounds,* 499 F.2d 1147 (10th Cir. 1974), the district court did not require a showing of past, intentional segregative acts. Reliance instead was placed on the long-standing educational policy of the school district which failed to take into consideration the specific needs of Spanish-speaking students. The only proof required by the court was that a substantial number of Spanish-surnamed students existed and there was no special curriculum tailored to their needs. The court focused in particular on the district's failure to provide a bilingual educational program. The Tenth Circuit affirmed but on statutory rather than on constitutional grounds. Since the district court's decision was handed down before the *Keyes* decision was decided by the Supreme Court, it is likely to remain in the minority in terms of whether Hispanic plaintiffs are exempt from having to show past and present intentional segregative actions.

[18] Unreported order.

[19] For a comprehensive discussion, see Teitelbaum and Hiller, *Bilingual Education: The Legal Mandate,* 47 *Harv. Ed. Rev.* 138 (1977).

[20] School desegregation cases are usually bifurcated. In effect, there are two trials. The first considers whether the Constitution has been violated. If it has been, there is a second trial before the judge decides which are the appropriate remedies for the violation.

[21] *See, e.g.* Flax v. Potts, 333 F. Supp. 711, 716 (N.D. Tex. 1970).

[22] Cárdenas, *Bilingual Education, Segregation, and a Third Alternative,* 19 *Inequality in Education* 19, 20 (Feb. 1975).

[23] Keyes v. School District No. 1, 413 U.S. 189 (1973).

[24] 380 F.Supp. 673, 680-681 (D. Colo. 1974). It should be noted that the *Keyes* case was brought by Black plaintiffs, and there was no proof of de jure segregation of Hispanic students. The issue of dis-

crimination against Hispanic students was introduced at the remedy stage by intervenors.

[25] 380 F.Supp. at 692.

[26] *Id.* at 694.

[27] *Id.* at 687, 692.

[28] *Id.* at 692.

[29] *Id.*

[30] 521 F.2d 465, 480 (10th Cir. 1975), *cert. denied,* 423 U.S. 1066 (1976).

[31] 521 F.2d at 482.

[32] *Id.*

[33] *Id.* at 481.

[34] *Id.* at 482.

[35] 423 U.S. 1066 (1976).

[36] Memorandum of Hispanic parents, filed February 3, 1975 (*Clearinghouse Review* #13,159).

[37] Morgan v. Hennigan, 379 F.Supp. 410, 415, note 1 (D.Mass. 1974), *aff'd sub. nom.* Morgan v. Kerrigan, 509 F.2d 580 (1st Cir. 1975), *cert. denied,* 421 U.S. 963 (1975).

[38] 401 F.Supp. 216, 242, 252 (D.Mass. 1975), *aff'd* 530 F.2d 401 (1st Cir. 1976), *cert. denied,* __U.S.__, 96 S.Ct. 2648 (1976).

[39] U.S. v. Board of Education of Waterbury, C.A. No. 13-465 (D.Conn. May 6, 1975), (*Clearinghouse Review* #16,724). *See also,* Arthur v. Nyquist, Civ. 1972-325 (W.D.N.Y. June, 1976).

[40] Filed June 26, 1975, C.A. Nos. 1816-1822, 416 F.Supp. 328 (D.Del. 1976).

[41] Tasby v. Estes, 412 F.Supp. 1192, 1207 (N.D. Tex. 1976), *following remand,* 517 F.2d 92 (5th Cir. 1975), *cert. denied* 423 U.S. 939 (1975) recognized Hispanic minorities as an ethnic group for purposes of the equal protection clause.

[42] Arvizu v. Waco Independent School District, 373 F.Supp. 1264 (W.D.Tex. 1973), *aff'd in part, rev'd in part as to other issues,* 495 F.2d 499 (5th Cir. 1976).

[43] 373 F.Supp. at 1270. See note 7, above. Since 1970, the Fifth Circuit was on record as holding this practice to be unconstitutional.

[44] U.S. v. Texas Education Agency, 467 F.2d 848 (5th Cir. 1972).

[45] U.S. v. Texas, 342 F.Supp. 24, 29-30 (E.D.Tex. 1971) *aff'd,* 466 F.2d 518 (5th Cir. 1972).

[46] Morales v. Shannon, 516 f.2d 411, 415 (5th Cir. 1975).

[47] Flax v. Potts, 464 F.2d 865 (5th Cir. 1972). C.A. No. 4205, N.D. Tex., second amended complaint (*Clearinghouse Review* #16,760C).

[48] 402 F.Supp. 1096, 1132-45 (E.D.Mich. 1975), __U.S.__, 97 S.Ct. 2749 (1977).

[49] Mich. Comp. Laws 340, 360, 390, 391.

[50] Johnson v. San Francisco Unified School District, 339 F.Supp. 1315 (N.D.Cal. 1971), 500 F.2d 349, 352-353 (9th Cir. 1974), and Lau v. Nichols, 414 U.S. 563 (1974).

[51] Lau v. Hopp, Civil No. C-70-627 LHB, October 22, 1976.

[52] 521 F.2d at 482.

[53] *See, e.g.,* Lemon v. Bossier Parish School Board, 444 F.2d 1400 (5th Cir. 1971); United States v. Sunflower County School District, 430 F.2d 839, 841(5th Cir. 1970), *cert denied,* 398 U.S. 951 (1970).

[54] *See, e.g.,* Moses v. Washington Parish School Board, 456 F.2d 1285 (5th Cir. 1972), *cert. denied,* 409 U.S. 1013 (1972); Boyd v. Pointe Coupee Parish School Board, 505 F.2d 632 (5th Cir. 1974), affirmed that "segregation by classroom is generally impermissible" at 633.

[55] *See, e.g.,* Acree v. County Board of Education, 458 F.2d 486, 488 n.3 (5th Cir. 1972), *cert. denied,* 409 U.S. 1006 (1972).

[56] Smuck v. Hobson, 408 F.2d 175, 188 (D.C. Cir. 1969).

[57] 408 F.2d at 189-190.

[58] 414 U.S. 563, 568 (1974).

[59] 35 Fed. Reg. 11595 (1970).

[60] 394 F. Supp. 1161 (S.D.N.Y. 1975). Students whose native or home language was other than English were administered a standardized test in English. Those who fell below the 20th percentile of all students tested and who, when tested in Spanish, scored higher in Spanish than in English, were placed in a bilingual program.

[61] Consent Decree (S.D.N.Y. Aug. 29, 1974).

[62] Actions for improperly assigning Latino and Black children in Chicago EMR classes, Parents in Action on Special Education v. Redmond, C.A. No. 74 C 3586, N.D. Ill., filed December 12, 1974 (*Clearinghouse Review* #14,352A). Likewise, misclassification of Latino students in EMR classes in Michigan, (*Clearinghouse Review* #16,272A).

See also, HEW Memorandum, "Identification of Discrimination in the Assignment of Children to Special Education Programs" (August 1975, *Clearinghouse Review* #16,721) and "Evaluation of Voluntary Compliance Plans Designed to Eliminate Education Practices which Deny Non-English Language Dominant Students Equal Educational Opportunity," HEW Memorandum to Chief State School Officers; HEW Memorandum, "Application of Lau Remedies," April 8, 1976 (from Director Elementary Education Division, HEW, to regions), August 1975. On the general issue of misclassification of students, *see* Larry P. v. Riles, 343 F. Supp. 1306 (N.D.Cal. 1972).

[63] 45 C.F.R. 186.43 (1976).

[64] 20 U.S.C. 1601 et seq. (1974).

[65] Board of Education of the City School District of Cincinnati v. HEW, 396 F.Supp. 203 (S.D. Ohio 1975), *rev'd on other grounds*, 532 F.2d 1070 (6th Cir. 1976) addresses these Regulations, and their meaning is still far from clear. Plaintiffs contend that 185.43 (c), which prohibits isolation for more than 25 percent of the day is an unreasonable interpretation of 1605(d)(1)(c) of the statute, which prohibits isolation "for a substantial portion of the day." The court held that the rule was practical and realistic. *See also*, McNeal v. Tate County School District, 508 F.2d 1017, 1021 (5th Cir. 1975).

[66] For a list of all pertinent federal and state bilingual education statutes, and for a discussion of case law regarding bilingual education, *see* M.D. Taracido, "Bilingual/Bicultural Education," in Days, Rosen, Strickler, *Federal Civil Rights Litigation*, Practicing Law Institute, 1977.

[67] 20 U.S.C. 880 (b) et seq. (1974).

[68] Alaska, Colorado, Illinois, Indiana, Massachusetts, Michigan, New Jersey, Rhode Island, Texas, Wisconsin. Taracido, "Bilingual/Bicultural Education," at 563-564.

[69] Arizona, California, Connecticut, Guam, Hawaii, Iowa, Kansas, Louisiana, Maine, New Hampshire, New Mexico, New York, Oregon, Pennsylvania, Washington, *Id.* at 564.

[70] The so-called *Singleton* ratios require that faculty and staff be assigned to schools "so that the ratio of Negro to white teachers in each school . . . [is] substantially the same as . . . [the] ratio [of] . . . teachers . . . in the entire school system." Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211, 1218 (5th Cir. 1969), *rev'd on other grounds mem. sub. nom.* Carter v. West Feliciana School Board, 396 U.S. 290 (1970).

[71] 467 F.2d 848 (5th Cir. 1972).

[72] 467 F.2d at 873. *See also* Cisneros v. Corpus Christi Independent School District, 467 F.2d 142, 152 (5th Cir. 1972) *cert. denied*, 413 U.S. 920 (1973).

[73] Keyes v. School District No. 1, 380 F.Supp. 673, 674, 680, 688 (D.Colo. 1974).

[74] 380 F.Supp. at 688.

[75] Serna v. Portales Municipal Schools, 351 F.Supp. 1279, 1283 (D.N.M. 1972), *aff'd on other grounds*, 499 F.2d 1147 (10th Cir. 1974).

[76] Otero v. Mesa County Valley School District No. 51, 408 F.Supp. 162 (D. Colo. 1975).

[77] Of the 2,856 students of Chinese ancestry who did not speak English 1,800 received no supplementary instruction and were effectively shut out of an education.

[78] 483 F.2d 791 (9th Cir. 1973), *rev'd on other grounds*, 414 U.S. 563 (1974).

[79] In Serna v. Portales Municipal Schools, 351 F.Supp. 1279 (D.N.M. 1972), the district court had held that the school authorities' failure to establish a meaningful bilingual educational program *in itself* constituted a denial of equal education to Chicano students, and thus was a violation of the equal protection clause. *Id.* at 1282. The finding of inequality was based on the results of I.Q. and language expression tests administered to first and fifth grade students and the testimony of an educational psychologist that language difficulties accounted for 80 percent of the achievement difference between Angle and Chicano children. *Id.* at 1281-1282. In arriving at its legal conclusion that the school authorities had a duty to administer bilingual education, the district court, in contrast to the Ninth Circuit's position in *Lau* v. *Nichols*, rejected the argument that the language deficiencies were not the result of any state action. 351 F.Suppl 1279, 1282-1283. On appeal, the Tenth Circuit affirmed the holding of the district court, 499 F.2d 1147 (10th Cir. 1974), but sidestepped the equal protection issue by holding only that the Portales schools system was in violation of Section 601 of the 1964 Civil Rights Act, citing the Supreme Court's

decision in *Lau* v. *Nichols.* The appeals court stated that "the trial court . . . can (it does not say "must") properly fashion a bilingual/bicultural program which will assure that Spanish-surnamed children receive a meaningful education." *Id.* at 1154. The court-developed plan was partly based on plaintiffs' submission, since the school district had defaulted in its responsibility. *Cf.* Otero v. Mesa County Valley School District No. 51, 408 F.Supp. 162 (D.Colo. 1975), holding that the *Constitution* does *not* require that minority students receive "an educational experience tailored to their unique cultural and developmental needs." *Id.* at 169.

[80] 483 F.2d at 797.

[81] *Id.* at 799.

[82] *Lau* v. *Nichols,* 414 U.S. 563 (1974).

[83] 42 U.S.C. 2000d (1970).

[84] 35 Fed. Reg. 11595 (1970). In 1974, Congress adopted statutory language resembling the regulations adopted by HEW to implement 601. The new language now says:

> "No state shall deny equal educational opportunity to an individual on account of his or her . . . national origin, by . . . (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." Equal Educational Opportunity Act of 1974. 20 U.S.C. 1703 (f) (Supp. IV, 1974).

This provision clearly established the principle that the state must affirmatively overcome the language deficiencies of non-English speaking students. In remanding a case dealing with the charge that the failure of the school district to meet the "special needs of its Mexican-American students" is unconstitutional discrimination, the Fifth Circuit noted that while the matter of bilingual/bicultural education should probably be left to educators and not courts, the district court must nevertheless consider the matter since, "[i]t is now an unlawful educational practice to fail to take appropriate action to overcome language barriers," citing both the Equal Educational Opportunity Act and *Lau* v. *Nichols.* Morales v. Shannon, 516 F.2d 411, 414-415 (5th Cir. 1975).

[85] 414 U.S. at 566

[86] *Id.* at 565.

[87] *Id.* at 566.

[88] Aspira of New York, Inc. v. Board of Education, Consent Decree, Aug. 29, 1974, at 4. After first challenging the testing program, the plaintiffs obtained a show-cause order against the Board because of its failure to abide by the decree requiring full implementation of a bilingual program for each eligible child by September 1975.

[89] 351 F.Supp. 1279 (D.N.M. 1972), *aff'd on other grounds,* 499 F.2d 1147 (10th Cir. 1974). See Footnote 79, above.

[90] 499 F.2d at 1154.

[91] *Id.*, emphasis added.

[92] Reyes v. Santa Ana Unified School District, No. CV 75-1354 FV, C.D. Calif. filed April 18, 1975 *(Clearinghouse Review* #15,375A,B), an action to require the district to apply for federal funds to continue the program under ESEA and ESAA. *See also* Otera v. Mesa, footnote 76, above.

[93] HEW Memorandum on "Evaluation of Voluntary Compliance Plans Designed to Eliminate Educational Practices Which Deny Non-English Dominant Students Equal Educational Opportunity" incorporating "Task-Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols."

[94] 414 U.S. 563 (1974).

[95] *Id.* at 572. In Otera v. Mesa County Valley School District No. 51, the district court appeared, inappropriately, to be relying heavily on the *Lau* concurring opinion. The court indeed found that few, if any, students had a "real language deficiency" and that as to these, the plaintiffs had not shown that the school board was not providing adequate programs. 408 F.Supp. 162, 1970 (D.Colo. 1975).

With regard to the numbers, see also the Tenth Circuit opinion in Serna v. Portales Municipal Schools, which also relied on the *Lau* concurrence to allay the State Board's fears. Despite the trial court's order to provide bilingual programs, the court said it does not mean "that bilingual programs will now be necessitated throughout the state wherever a student is found who does not have adequate facility in the English language." *Id.* at 1154.

[96] See note 93 above.

[97] 20 U.S.C. 1703 (f) (Supp.IV, 1974), (emphasis added).

[98] *See, e.g.* McInnis v. Shapiro, 293 F.Supp. 327 (N.D. Ill. 1968), *aff'd.* 394 U.S. 322 (1969).

[99] Voluminous commentary on footnote 11 of *Brown* have pointed to the perils of defining a constitu

tional right in terms over which educators and social scientists disagree and change their minds. *See, e.g., Cahn, Jurisprudence* 30 N.Y.U.L. Rev. 150, 157-158 (1958):

> "... I would not have the constitutional rights of Negroes—or other Americans—rest on any such flimsy foundation as some of the scientific demonstrations in these records... [S]ince the behavioral sciences are so very young, imprecise, and changeful, their findings have an uncertain expectancy of life. Today's sanguine asseveration may be cancelled by tomorrow's new revelation—or new technical fad. It is one thing to use the current scientific findings, however ephemeral they may be, in order to ascertain whether the legislature had acted reasonably in adopting some scheme of social or economic regulation; deference here is shown not so much to the findings as to the legislature. It would be quite another thing to have our fundamental rights rise, fall, or change along with the latest fashions of psychological literature."

100An action has been filed in Philadelphia, Lopez v. Thomas, C.A. No. 75-14, E.D.Pa., January 6, 1975 *(Clearinghouse Review* #14,259A), on behalf of Puerto Rican and other Hispanic students who allege that the Philadelphia system prevents them from equally and effectively participating in the learning process by reason of their English language deficiencies, and inaccurate evaluation of their academic progress. Since this does not argue that the children are effectively foreclosed from *any* meaningful education, it remains to be seen how the case will be decided. Similarly, Rios v. Read, filed in New York, Feb. 25, 1975 *(Clearinghouse Review* #15,372), preliminary decision, Jan. 14, 1977, is based on the inadequacy of programs, curriculum, and teaching personnel to remedy the Spanish-surnamed children's English language deficiency, rather than the argument that these students are totally foreclosed from effective education. The school district employs only seven bilingual teachers fully fluent in Spanish. Plaintiffs argue that HEW requires effective programs and claim that an inadequate program is as harmful as no program at all. Plaintiffs also point to inadequacy of identification, classification, and evaluation of students. The court was willing to accept evidence on the issue of inadequacy, stating that perhaps it would be appropriate to require plaintiffs to demonstrate that defendants' policies create a discriminatory effect (drop-out rates, achievement scores, etc.) that significant numbers of Hispanic students have lagged behind English-speaking students in academic progress as a result of their failure to learn English and/or because they receive substantive instruction in a language they cannot understand. Once that showing is made, the burden should perhaps shift to the defendants to establish that their bilingual program is genuinely designed and administered to meet the needs of English language deficient children and that alternative approaches would not produce a better result or would not be feasible. The court pointed to Griggs v. Duke Power Co., 401 U.S. 424 (1971) and McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), employment discrimination cases, decided under Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. 2000e, as possible guides.

A similar case, Ramos v. Gaines, was filed in Connecticut Jan. 26, 1976, C.A.No. H-76-38.

APPENDIX B

Biographical Sketches of The Participants

Dr. Evelina Antonetty was born in Salinas, Puerto Rico and immigrated to El Barrio, New York in 1933. She attended Elementary School in Puerto Rico and Junior High and High School in Harlem. She was a recipient of an Honorary Degree of Doctor in Humane Letters from Manhattan College in 1970. In 1965 she founded United Bronx Parents, a grass roots community-based organization formed to serve the needs of community. She has been the Executive Director since 1967 with overall supervisory and administrative responsibility. Her duties include staff selection, program development and she has been designated the organization's lobbyist and race relations specialist. In 1972 through 1975 she taught the course *The Puerto Rican Child in American School.* In addition she taught the same course at our community based Universidad Urayoan and developed and taught a course on *The History of the Puerto Rican in New York City.* She has held the following positions: from 1965 to 1967 she was Field Coordinator Puerto Rican Community Development Project; in 1966 she was Parent Coordinator of the Head Start Program for the Board of Education, and from 1946 to 1956 her job was Job Developer and Organizer for District 65. She has been affiliated with various organizations past and present and has lectured at many conferences. Moreover, she has been honored with numerous citations and awards. The most recent award presented to her was by her staff on June 18, 1977, an occasion which she considers to be one of the most important highlights of her career.

Ms. Carmen Arroyo, Chairperson, is a member of the Community School Board 7X at the South Bronx Community Corporation, 373 East 148th Street, Bronx, New York 10454.

Awilda Bennett, 51-03 Robinson Street, Flushing, New York 11355. Telephone Number is (212) 539-6560. Bilingual Elementary School Teacher, New York City; Graduate Studies at Hunter College, New York, New York.

Javier Bray's interest in formal education stems from his experience as a trainer. For 8 years he worked with labor leaders and campesinos in Latin America, organizing and managing training programs designed to enhance trade union and rural development. After a brief one-year stay at the University of Massachusetts' School of Education he settled in Miami, where he has researched aspects related to the drop-out rate of Hispanics in high school, and the patterns of segregation of minorities in the Dade County public schools. He was also involved in the preparation and implementation of the first and second Annual Conference on Bilingualism, sponsored by the Bilingual Center of Florida. Mr. Bray is one of the founders and first chairperson of the Spanish American League Against Discrimination (SALAD).

Dr. Frank Brown is a Professor of Education at the State University of New York, Buffalo, New York.

Dr. José A. Cárdenas is currently executive director of Intercultural Development Research Association in San Antonio, Texas. Under his leadership, IDRA has established an impressive record of services and involvement which have been directed toward improving the quality of education for all children. Dr. Cárdenas has published numerous articles and monographs on bilingual education, segregation, school finance, planning for desegregation, migrant education, parental involvement, and the utilization of teacher aides. He has also provided technical assistance to the National Urban Coalition; the Hearst, Rockefeller, Carnegie and Ford Foundations; the Department of Health, Education, and Welfare and the U.S. Office of Education. Dr. Cárdenas has also been actively involved in desegregation hearings and litigation proceedings. He has provided expert testimony at Civil Rights and HEW Administrative hearings in California, Texas, Illinois and Washington. In addition, Dr. Cárdenas has provided expert witness testimony at many litigation proceedings including: *Rodriguez* v. *San Antonio ISD, U.S.* v. *Texas, Morales* v. *Shannon, Hedden* v. *Perez, Aspira* v. *Board of Education, Keyes* v. *Denver, Cisneros* v. *Corpus Christi,* and *Lau* v. *Nichols.*

María B. Cerda, Executive Director of the Latino Institute in Chicago, is a former member of the Chicago Board of Education (1969-74), and a founding member of ASPIRA of Illinois, Inc. She served on the planning committee for the first Conference of Puerto Ricans in Chicago and was chairperson of the scholarship component of that Conference. Her present board involvements are numerous on all levels—local, state and national—and are too numerous to mention. Mrs. Cerda has received many awards for her energetic and fruitful advocacy efforts on behalf of better, more responsive and humane educational opportunities for all children and for the development of resources in the Latino community.

Armando Cotayo, Project Director for the Bilingual Teacher Training Project (1976-present) and formerly Director of the Bilingual Professional Development Program (1974-1977) at Hunter College. Involved with USOE/OBE in the preparation of bilingual teacher training models and teacher competencies. Member of the Executive Board of the New York State Consortium of Colleges and Universities on Bilingual Education. Member of the Education Committee of the Community Service Society. Member of the New York City (Board of Education) Chancellor's Advisory Committee on Bilingual Education.

B. Roberto Cruz was born and graduated from high school in Corpus Christi, Texas. He attended Wichita State University in Kansas on a football scholarship where he received his B.A. in 1964. After graduation he went to California where he completed his M.A. and Ph.D. in Policy Planning and Administration from U.C. Berkeley. He has taught in elementary and secondary schools in California. Currently, Dr. Cruz is teaching Current Practices and Research courses at Stanford University. Additionally, he is executive director of the largest bilingual education consortium and teacher training center in the United States—the Bay Area Bilingual Education League (BABEL) located in Berkeley, California.

Ms. Carmen Dinos is an Assistant Professor of Education at Brooklyn College, New York, New York.

Rosa Castro Feinberg, Associate Director at the University of Miami General Assistance Center for Bilingual Education, holds a B.A. in Speech Education, an M.S. in Curriculum and Supervision, and a Ph.D. in Educational Administration. She previously served at the Florida Desegregation Center as Bilingual Consultant, is a former teacher of Spanish as a foreign language, Spanish for native speakers and ESL. She is President of the Latino Caucus of the Association for Supervision and Curriculum Development. Her dissertation is entitled: An Investigation of Perceptions of School Image

Held by Participants and Non-Participants in a Bilingual Education Program.

Ricardo R. Fernández, born in Santurce, Puerto Rico. B.A. (1962) in Philosophy, M.A. (1965) in Spanish from Marquette University. M.A. (1967), Ph.D. (1970) in Romance Languages and Literatures from Princeton University. Assistant Professor of Cultural Foundations of Education at the University of Wisconsin-Milwaukee and Assistant Professor, Center for Urban Community Development, University of Wisconsin-Extension. Presently, Director, Midwest General Assistance Center, Type B (*Lau Center*).

Dr. Francisco Garcia is the Director for Bilingual Education at Northwest Regional Laboratory, 710 Southwest 2nd Street, Portland, Oregon 97214.

Dr. Sylvia Gonzales is well known for her poetry, articles and public speaking. Versatile and prolific, Sylvia speaks and writes about the women's movement, bilingual education, Mexican-American studies and politics. Her articles have appeared in such diverse publications as *The Los Angeles Times* and the *Social Science Journal*.

Sylvia is a native of Tucson, Arizona. Her parents are also Tucson natives. Her father is Assistant to the City Manager there. She earned her first degree in Spanish and Psychology at the University of Arizona. Her doctorate in Education was awarded by the University of Massachusetts.

She has held several positions in Washington, D.C. including serving on Representative Morris Udall's staff, the Civil Rights Commission, and a consultant for national task forces on Hispanic women and educational policy for the Spanish-speaking. Sylvia's articulate activism has brought her growing recognition among civic and educational circles as a creative thinker concerned with improving inter-group relations and providing expanding opportunities to young people.

Upon completing her doctorate, Sylvia came to San Jose State University as a member of the Mexican-American Graduate Studies Department. Currently, she is Acting Director of the National Women's Studies Association.

Dr. Josué M. González, Ed.D. is an Associate Professor of Education and Coordinator of Bilingual Chicano Studies at Southern Methodist University in Dallas. He has been involved in leadership roles in bilingual education almost continuously during the last ten years. He has directed projects in curriculum development, teacher preparation and technical assistance for *Lau* compliance. Dr. González served as the first Executive Director of CANBBE, a national project in curriculum development. The CANBBE model which he developed was later adopted by USOE as the model for its national network of bilingual curriculum development centers. In addition to programmatic aspects of bilingual education, Professor González teaches and lectures in the fields of sociocultural foundations of education, politics of education, Chicano Studies, and multi-cultural education.

Milton Graciano, a doctoral candidate in Administration and Supervision/Urban Education at Fordham University, received his B.A. at C.C.N.Y., and his M.A. in Bilingual Education at New York University, and his M.S. in Educational Administration and Supervision at Pace University. From September, 1976 to May, 1977, as an Aspira Rockefeller National Fellow, he worked at the United States Office of Education, Office of Bilingual Education as Special Assistant to the Director. He was Coordinator of Bilingual Bicultural Educators', New York City Board of Education from 1973 to 1976, and was President of the Hispanic Educators' Association in New York City in 1975.

Dr. Judith T. Guskin is a Senior Program Associate, General Assistance Center (type B), University of Wisconsin-Milwaukee and a Bilingual Education Consultant, Midwest Resource Center, Arlington Heights, Illinois. She has a Ph.D. from the University of Michigan in Educational Psychology and has had many years of experience working with teacher training and community and school efforts to provide educational opportunities for minority children. She has written articles, organized forums and made presentations at national professional association meetings on bilingual education.

Maria Cristina Herrera, Associate Professor in the Sociology, Anthropology and Social Institutions Department at Miami Dade Community College, Florida, received her M.S. in Education at Barry College, Miami, Florida, and her Ph.D. in International Education at Catholic University of America, Washington, D.C. She was co-founder and Executive Director of The Institutute of Cuban Studies, Inc., has been active in community affairs through The Spanish American League Against Discrimination, The Bilingual Center of Florida, and The Foundation for Education of Women. Co-editor of one book, she is presently working on a second book. She has been a TV and radio panelist and a guest of public information programs.

Mrs. Amparo Jimenez, Vice Chairperson, is a member of the City-Wide Bilingual/Bicultural Advisory Committee, Forest Home Avenue School, Room 108A, 1560 West Forest Home Avenue, Milwaukee, Wisconsin 53204.

Alfredo Mathew, Jr., Executive Director of Division of Community School District Affairs, NYC Board of Education, received his B.A. from C.C.N.Y., acquired a master's degree in the Graduate School of Education at C.C.N.Y., and completed the doctoral program at Fordham University, New York, in Educational Administration and Supervision. He served on the Board of Education Speakers Bureau and has spoken at many civic and faculty meetings throughout the city of New York on such topics as school integration and the Puerto Rican Community. He was trouble-shooter for school community problems in District 5 (1964-65), and was Assistant Project Coordinator for Educational Enrichment for Disadvantaged Youth, Neighborhood Youth Corps in the summers of 1966 and 1967. His publications include: Bridges to Understanding, Board of Education, NYC, "Impressions of a Puerto Rican Journey" (1965); and Report: The New York Urban Coalition, "Decentralization and Community Control" (1976).

Myriam Met is presently with the Cincinnati Public Schools as Coordinator of the Spanish Bilingual Program—a Bilingual program designed to promote voluntary desegregation in the city school district. Previously, Mrs. Met worked with the University of Cincinnati, supervising student teachers and as adjunct lecturer, as well as at Indiana University as preceptor. She also has served with the New York City Public School. Mrs. Met has made presentations at local, state and national conferences in the area of second language instruction and bilingual education. She holds a B.A. in Spanish from Queens College of the City University of New York, a Master's and additional graduate work in Spanish and applied linguistics from Indiana University and is currently a candidate for the doctoral degree in Education at the University of Cincinnati.

Gary Orfield, Associate Professor of Political Science, University of Illinois, Urbana, received his B.A. at the University of Minnesota, and his M.A. and Ph.D. at the University of Chicago, where he held the Woodrow Wilson and Danforth Fellowships. He has organized programs on Minnesota Indian reservations, founded the movement for a New Congress. In Washington, D.C. he served as Scholar-in-Residence at the U.S. Commission on Civil Rights, Research Associate at the Brookings Institution and consultant to the Senate Committee on Labor and Public Welfare. His publications include: *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act* (Wiley, 1969); *Congressional Power: Congress and Social Change* (Harcourt, Brace and Jovanovich, 1975). He has studied the community action program in East Los Angeles and recently testified on the Bilingual Education Act. A major book on urban school desegregation policy will be published by the Brookings Institution this year.

Federico Peña is currently the staff attorney for the Chicano Education Project in Denver, Colorado. He has extensive experience in the field of education litigation, particularly bilingual litigation and desegregation litigation. He has also been involved in community organizing in rural areas in Colorado and he has been instrumental in the development and monitoring of Colorado's Bilingual Bicultural Education Act. Mr. Peña graduated from the University of Texas, the School of Law, and has also been associated with El Paso Legal Services and the Mexican-American Legal Defense and Educational Fund as a Reginald Heber Smith community lawyer.

Dr. Bertha Perez is an Assistant Professor of Education at the University of Texas, El Paso, Texas.

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Dr. Ramiro D. Reyes is an Assistant Superintendent of Public Instruction for the Office of Support Services and Bilingual Bicultural Education with the California State Department of Education, Sacramento, California. His educational administrative experience includes service at elementary, junior high, and State Department of Education levels. More recently, he has concentrated in the area of comprehensive educational planning, futures, and bilingual cross-cultural education. His educational background includes several credentials and degrees from California State University at San Jose and a Ph.D. from Michigan State University.

Peter D. Roos, Director, Education Litigation at the Mexican American Legal Defense and Educational Fund, San Francisco, California, received his A.B. in Political Science at Occidental College, Los Angeles, California in 1964, and his J.D. at Hastings College of the Law (University of California) in 1967. He has been directly involved in more than fifty civil rights cases involving various facets of the law. Most of these cases have involved educational issues. At present, he is Chief Attorney in the Austin, El Paso and Houston, Texas desegregation cases. In addition, he is counsel on various cases involving the right to bilingual education and the right to be free from misclassification. His publications include: "The Effect of *Rodriguez* on Other Educational Law Reform Litigation" 38 Law and Contemporary Problems (Duke University) 566 (Spring 1975); "The Massachusetts Transitional Bilingual Education Act: Problems in the Classroom and Possible Legislative Responses" 19 Inequality in Education 38 (February, 1975); "Issues in Desegregation and Bilingual Education" published in "Federal Civil Rights Litigation" Practicing Law Institute, New York City (1977).

Roberto M. Soto is a doctoral student in the Social Policy Analysis program at the Harvard Graduate School of Education. His present interests are the bilingual education/desegregation interface and federal educational policymaking. He has worked as an evaluator and consultant to various Latino agencies and school systems in New York, Illinois, and Massachusetts.

Silvia M. Unzueta is the Deputy Director of the Affirmative Action Program of Metropolitan Dade County, Florida. Prior to becoming involved in public administration, she worked with Protestant Social Service Agency in the Little Havana, Mexican-American and Puerto Rican communities in the Dade County area. A native of Havana, Cuba, Ms. Unzueta has been living in the United States since 1961 (4 years lived in Europe). She attended Florida International University and holds a Bachelor of Arts degree in Psychology. At present she is working towards her Master's degree in Public Administration at Pepperdine University. A firm believer in women's affairs, Ms. Unzueta is currently a board member of the Cuban Women's Club, the Girl Scout Council of Tropical South Florida and the Young Women's Christian Association (YWCA). She is also the Florida delegate of the National Association of Cuban-American Women. She is not only involved with furthering the education and participation of women at all levels, but she is also a strong supporter of bilingual/bicultural education as a viable alternative to the traditional educational approaches.

Antonio M. Vega is an Associate Professor, Education, at California State University, Fullerton. Vega received a B.A. in Sociology from California State University and a M.A. and Ph.D. in Sociology from University of California, Los Angeles. He is currently the director of the Title 7 Training Resource Center at California State University, Fullerton.

Mariano Vega, Jr. is an Assistant Director of Admissions at Montclair State College, New Jersey and has recruited extensively in the Spanish-speaking communities of New Jersey. As former Coordinator of the College Admissions Fair for *Puertorriqueños Asociado for Community Organization,* a comprehensive recruitment program was designed and implemented. Participation peaked at 1,000 minority students. Past employment include Hispanic Educational Consultant, bilingual teacher and youth counselor. She edited *La Experiencia Hispana,* a 96-page report from Montclair State College's Commission on Affirmative Action/Equal Opportunity.

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